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Historical Magazine



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ISSN 0025-4258

© 2004 by the Maryland Historical Society. Published as a benefit of membership in the Maryland Historical Society in March, June, September, and December. Articles appearing in this journal are abstracted and indexed in *Historical Abstracts* and/or *America: History and Life*. Periodicals postage paid at Baltimore, Maryland and at additional mailing offices. Postmaster: please send address changes to the Maryland Historical Society, 201 West Monument Street, Baltimore, Maryland 21201. Printed in the USA by The Sheridan Press, Hanover, Pennsylvania 17331. Individual subscriptions are \$24.00. (Individual membership in the society with full benefits is \$45.00, family membership is \$60.00.) Institutional subscriptions are \$30.00 per year, prepaid.

MARYLAND

Historical Magazine

VOLUME 99, No. 1 (SPRING 2004)

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Cover: "The Sport of Kings, Pimlico, May 1964." (Maryland Historical Society).

Surprises

In April 1860, in the upstate New York town of Troy, an event took place that would stun the nation today. Harriet Tubman happened to be in Troy that April, when runaway slave Charles Nalle was arrested. Nalle, with his free wife and six children, had escaped from Virginia and settled in Columbia, Pennsylvania, but sensing that the authorities were after him, Nalle had gone north in search of a safer home. In Troy, which had a strong free black community, a wealthy abolitionist gave him a job as a coachman. Before he could send for his family though, slavecatchers arrived in Columbia, arrested his wife, took her to Washington, and threw her in jail. Nalle, who could neither read nor write, hired a lawyer to write his letters to her and to find the means of securing her release. The lawyer instead informed Nalle's owner in Virginia. Under the Fugitive Slave Law, the man procured a warrant. In Troy, Nalle was arrested on the street as he was buying bread for his employer and held at the U.S. commissioner's office.

While an antislavery lawyer frantically tried to obtain a writ of habeas corpus, a mob quickly grew outside the commissioner's office. Hearing the commotion, Tubman joined free black abolitionist William Henry in whipping the crowd into a frenzy. She then pulled her bonnet down low over her face and slipped inside the office where she could better see what was happening. Though she was well known in Troy, the crude ruse worked. A local newspaper merely noted the presence of a "somewhat antiquated colored woman" standing by an upstairs window—where she could signal the crowd.

When the commissioner at last decided to take the handcuffed Nalle before a judge a few blocks away, Tubman gave the signal. As the crowd surged toward the building, the diminutive but extraordinarily powerful woman flew down the stairs and hurled herself at the sheriff's deputies in an effort to wrestle the prisoner out of their grasp. She seized one officer about the neck, only to be beaten down. Again and again she threw herself at the deputies. "Twenty times the prisoner was taken from the officers, and twenty times they recovered him," a newspaper said. "Colored women rushed into the thickest of the fray; the venerable Moll Pitcher of the occasion fighting like a demon." Officers dragged Tubman and Nalle through the street trying to separate them while fending off the now furious crowd. Pistols and knives came out. The *Troy Daily Times* reported that "the venerable old colored woman, . . . exclaimed, 'Give us liberty or give us death!'"

Tubman, that "old woman," also shouted, "Drag him to the river! Drown him! but don't let them have him!" At last she pried Nalle from the deputies. The rescuers put him on a boat, but when it crossed to West Troy the authorities were

waiting. They seized him and took him to a judge's chambers on the waterfront. Tubman, the rescuers, and the sheriff's deputies landed a few minutes later and raced one another to the judge's office.

The rescuers stormed the building, fell back before a volley of pistol shots, and charged again. An enormous black man named Martin forced his way through the door and was instantly felled by a blow from a hatchet. Rendered unconscious but not mortally injured, his body nevertheless blocked the door open. Tubman and a number of black women stormed over Martin's back and into the office. Tubman later told antislavery audiences that she threw Nalle "acrossed my shoulder like a bag o' meal and took him away out of there." Bullets whistled around them as they reached the street. Seizing a farmer's wagon, they sped the fugitive into the countryside and safety. Later, they purchased his freedom.

This incident, and dozens more like it, form Kate Clifford Larson's *Bound for the Promised Land*, one of three new Tubman biographies to appear in recent months after an inexplicable hiatus of six decades. How could we have neglected so important a figure for so long? Tubman's is a difficult life to write, requiring an enormous amount of detective work and judgment in analyzing and piecing together sometimes spotty evidence, but the wait has been worth it. Larson's years of research show on every page, as she strips away myths that have surrounded this justifiably famous figure and replaces them with an unforgettable portrait of determination, courage, and sheer will. This is biography as it should be written, and every Marylander owes Kate Larson a debt of thanks for undertaking it.

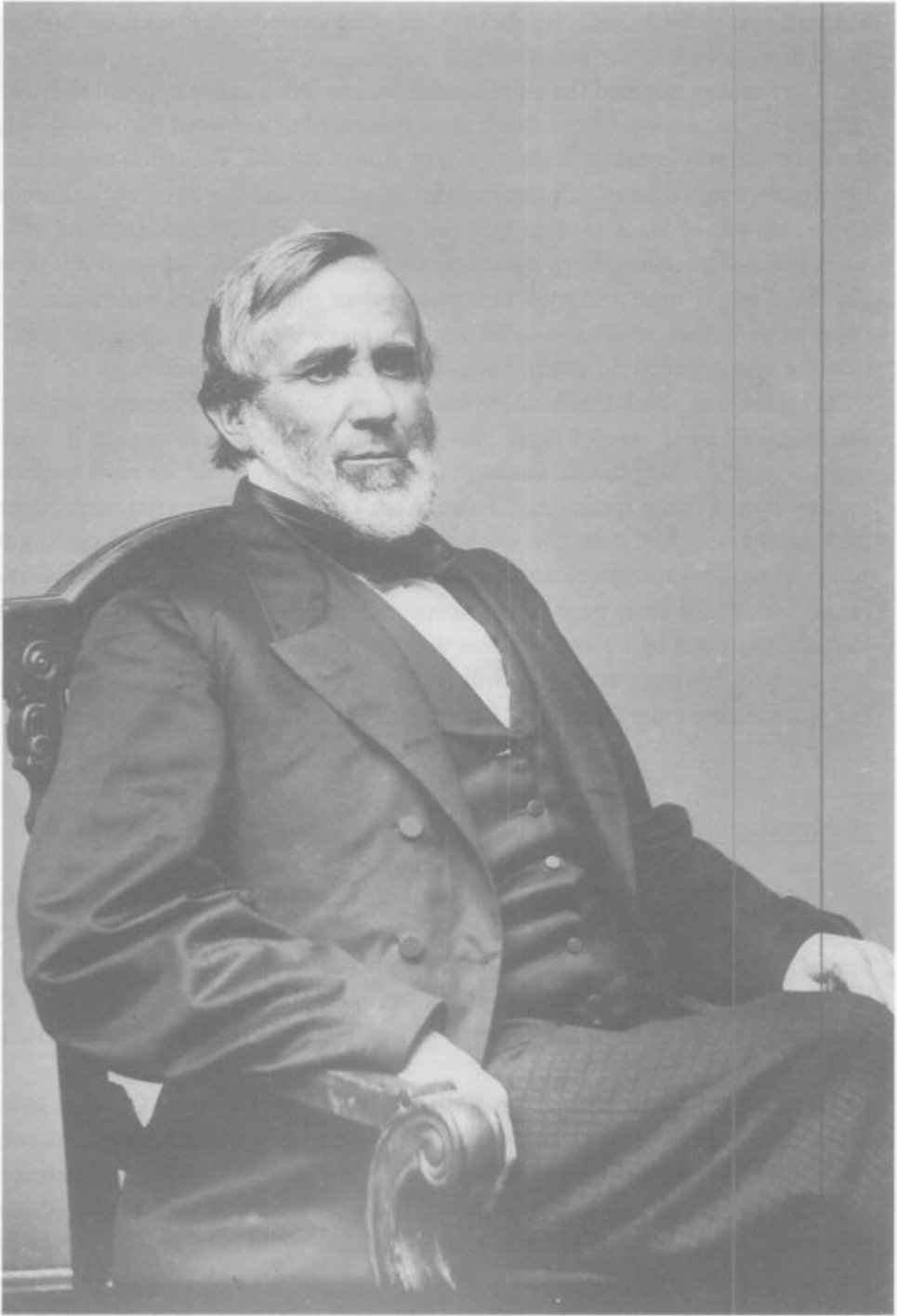
R.I.C.

In Memoriam

Maryland has recently lost two historians whose work exemplified state and local history at its finest. Joseph Arnold, author of *New Deal in the Suburbs, Maryland: Old Line to New Prosperity*, and an uncompleted book on the history of Baltimore, was the embodiment of the grace, energy, and spirit of UMBC. He was also a very good friend to this journal, giving freely of his time to referee articles and write book reviews.

R. Kent Lancaster, retired professor of history at Goucher College, established the major in historic preservation, served as department chair, and spent the last ten years as a full-time research volunteer at Hampton National Historic Site. Goucher colleagues praised his patience with students, high academic standards, and "wicked" sense of humor. We at the *Maryland Historical Magazine* had the privilege of working with this dedicated, humble, funny, and enthusiastic scholar who reconstructed the lives of Hampton's indentured servants and slaves.

We will miss them both.



John W. Crisfield, 1806–1897. (Library of Congress.)

John W. Crisfield and Civil War Politics on Maryland's Eastern Shore, 1860–1864

JOHN R. WENNERSTEN

Civil War historians have traditionally focused their study of Maryland politics on the troubled axis between Baltimore and Washington, the Battle of Antietam, and developments beyond Chesapeake Bay. Complex issues like the social and political fate of the Eastern Shore counties during the war years have been reduced to succinct footnotes of military occupation.¹ Historical realities are often more complicated than one assumes, and this is particularly true for the Eastern Shore. Throughout the Civil War, the region, despite its secessionist forces, remained in the Unionist camp. That development was chiefly the work of Congressman John W. Crisfield of the First District and other well-connected businessmen who saw that the federal government was more important to Maryland than a distant secessionist legislature in Richmond.

The purpose of this essay is to place in critical perspective the role of John Crisfield and others like him in helping the Eastern Shore remain Unionist during the war. To be a Unionist in Maryland required great sacrifices, especially among those who were both patriotic and slaveholders. Life in Maryland required moral and political gymnastics that few of us in the present day would find comfortable. Out of the turmoil of that generation came a Maryland whose social and political stability was purchased at great cost.

The crisis of the Union came just as John Crisfield and a group of investors had begun to lobby the Maryland legislature for state funds to resurrect the defunct Eastern Shore Railroad. Crisfield had taken legal control of the line and was seeking a \$112,000 loan from the state to begin construction. The future economic development of Somerset County and the Eastern Shore, he perceived, would be determined by industry and railroads.² Newspapers, though, were filled with ominous accounts of the bitter national debate over slavery and increasing calls

Professor Wennersten is a long-time contributor to this journal and the author of *The Chesapeake: An Environmental Biography* (Baltimore: Maryland Historical Society, 2001).

1. Crisfield is mentioned briefly as a border state moderate, who participated in the last-ditch peace effort meeting in Washington in February 1861. See Robert J. Brugger, *Maryland: A Middle Temperament, 1634–1980* (Baltimore: Johns Hopkins University Press, 1988), 273. At this time Crisfield was one of the most influential lawyers and slaveholders in the state. In 1846–47 he had served in Congress as a representative from the Sixth District and would serve again as a representative from the First District during 1861–63. See also the citation for John Crisfield in *The Biographical Directory of the United States Congress* (Washington: Government Printing Office, 1989) electronic edition (www.bioguide.congress).

2. John Crisfield to Mary Crisfield, February 25, 1860, Crisfield MSS, Maryland Historical Society.



Somerset County, 1850. Detail from Thomas, Cowperthwaite & Co., *A New Map of Maryland and Delaware*, 1850. (Courtesy of Willard Hackerman.)

for disunion. Businessmen like Crisfield followed events with growing apprehension. In the presidential election of 1860, Crisfield, along with many on the Eastern Shore, voted for John Bell of Tennessee, who campaigned on a Constitutional Union platform that would largely preserve the status quo. Although John C. Breckinridge, the pro-southern Kentucky Democrat, carried Maryland, he did not have the support of Eastern Shore businessmen. Crisfield believed that if civil war erupted, the romance of southern rights would quickly wilt before the cold economic and military might of an expansive North. The northern markets would be eager for Maryland timber and foodstuffs and the U.S. Navy would easily establish naval supremacy on Chesapeake Bay.

When, on February 1, 1861, Virginia issued an invitation to all states in the Union to send commissioners to a Peace Conference to secure a compromise with

the secessionists, Governor Thomas H. Hicks chose strong Union men to represent Maryland. Of those commissioners chosen by the governor, Crisfield was the most outspoken. At the conference in the Willard Hotel in Washington, Crisfield denounced secession and attempted to find a satisfactory platform for saving the Union. He found much to criticize in Lincoln and the Republicans for their lack of wisdom and prudence, but the Princess Anne lawyer believed that secession was unwarranted by the constitution and strongly supported the federal government. Ideally, he hoped to act as a peace broker between the two sections, but when the conference foundered on political jealousies and regional animosities, the Unionist commissioner sadly returned to the Eastern Shore.

In fact there was much Unionist work to be done at home, for the Eastern Shore was rife with secessionist oratory and plots to join the new Confederate government. Crisfield was instrumental in having James Upshur Dennis, a secessionist firebrand from Somerset, briefly incarcerated in Fort McHenry while the Eastern Shore worked out political reapportionment for a new congressional district, the First, which was carved out of the old Sixth District. Left to his own devices, Dennis's extensive family and business connections might have enabled him to lead the Eastern Shore into secession—from Maryland. After his release, federal marshals kept him under close watch and the War Department classified him "SSS," a secessionist of the most virulent type.³

A special election was held in the spring of 1861 to fill the new congressional seat. In it, Crisfield soundly defeated the States Rights candidate, Daniel M. Henry of Dorchester County, by vowing that he would keep Maryland loyal to the Union while working for "the restoration of peace and fraternal accord." The election of Augustus W. Bradford in the gubernatorial contest held later that year solidified Maryland's position as a loyal state. Bradford, a pro-slavery Unionist from Harford County, soundly defeated the States Rights candidate, Benjamin C. Howard. In Somerset County, clearly the most pro-secessionist subdivision on the Eastern Shore, the vote tallied 1,830 for Bradford to 997 for Howard, reflecting the unwillingness of voters there to support the rebel government. The Union victory, Crisfield confided to the governor-elect, "ought to ensure us quiet and for me and I would treat with severity all who hereafter shall attempt to disturb the peace or corrupt the loyalty of our people."⁴ Somerset County's Unionist momentum turned out the old States Rights men and sent a Unionist delegation to Annapolis, where Somerset delegates like Robert Dougherty, Hiram Gunby, and Benjamin Lankford demonstrated little sympathy for southern nationalism.⁵

3. William Bruce Catton, "The Baltimore Business Community and the Sectional Crisis," M.A. thesis, University of Maryland, 1952; Charles B. Clark, *Maryland During the Civil War* (Chestertown, Md., 1952), unpaginated; *Baltimore Sun*, September 17, 1861; Charles B. Clark, ed., *The Eastern Shore of Maryland and Virginia*, Vol. 1 (New York: Lewis Historical Publishing, 1950), 544.

4. Crisfield to Augustus Bradford, November 10, 1861, Bradford MSS, Maryland Historical Society.

5. *Baltimore Sun*, November 8, 1861.

Marylanders generally had mixed emotions about the conflict. On the Eastern Shore, as elsewhere, public attitudes were conditioned by the latest news from the battlefield. Following the Union debacle at Bull Run, Confederate sympathizers on the Eastern Shore began to arm themselves and impudently fly the rebel flag.⁶

General John A. Dix, commander of the Union army's Maryland Department, worried that secessionists were becoming too "active" and "confident" on the Eastern Shore. According to his intelligence reports, armed rebel sympathizers had turned Eastville on Virginia's Eastern Shore into a stronghold of secessionist fervor that might spread to the Shore's Maryland counties. In the fall of 1861, Dix dispatched several regiments to the Shore to confiscate arms and arrest rebel sympathizers. General Henry Lockwood steamed down the bay, landed at Cambridge, and sent a force to Riall's Landing on the Nanticoke River to disband and arrest a company of secessionists calling themselves the Tyaskin Guards. William Purnell, the postmaster of Baltimore and a Worcester County native, also organized several local companies of troops to rid the Shore of rebels. Purnell's Legion, together with the 4th Wisconsin Infantry, a company of Massachusetts artillery, and some cavalry, entered Somerset County on November 4, 1861, to prevent Virginia voters from Accomac and Northampton from crossing into Maryland and stuffing ballot boxes. The two-week campaign "to protect the loyal and peaceable citizens" of the Eastern Shore counties resulted in the arrest of Confederate sympathizers, who were interned at Fort McHenry. Occasionally secessionists were shot. George Davis, a Somerset County farmer residing near the village of Whitehaven, "hurrahed for Beauregard" and the Confederate victory at Bull Run and was seriously wounded by a Union officer for his enthusiasm. Union soldiers also fired upon and disarmed a local militia company in Princess Anne. Military force, General Lockwood argued, was the only way to destroy the "rebel underground." Lockwood also wanted to station paid detectives in the region to serve as spies, but the Lincoln administration lacked money for that kind of activity in Maryland.⁷

During the winter and spring of 1861–62, the Shore was relatively peaceful, but Congressman Crisfield was dismayed by the resistance of his constituents to Lincoln's calls for volunteers and by the administration's general inability to win the war quickly. Crisfield also faced problems on the floor of Congress, where Radical Republicans like abolitionist Owen Lovejoy of Illinois not only attacked slavery but minced few words in linking "Maryland's slaveocracy"—which pointedly included Crisfield and his allies—with the rebellious South.

Like many border state politicians, John Crisfield believed that slavery was

6. George S. Merrill to General John A. Dix, August 12, 1861, *Official Records of the War of the Rebellion*, Series I, 5:581.

7. *Ibid.*, 609; Gen. John A. Dix to Col. H. E. Paine, November 4, 1861, *ibid.*, 641; Dix to Gen. Henry Lockwood, October 4, 1861, *ibid.*, 620; *Baltimore Sun*, October 25, 1861.

a domestic institution, the concern of the states alone. The war, however, made slavery an exigent question, one to which Congress gave increasing attention. Certainly the Confiscation Act of 1862 declared that slaves engaged in hostile military service against the Union were no longer the legal property of their owners and hence free. The Militia Acts of 1862 also addressed the idea of freeing of fugitive slaves. Congress was in no mood to return escaped slaves to their rebel owners where they could be used to prosecute the war. It also happened that military commanders in the field began to create their own precedents on black emancipation, as battles brought hordes of refugee slaves to military camps.

Nevertheless, it was a bill introduced in Congress on December 16, 1861, to emancipate slaves in the District of Columbia, that brought the slavery issue squarely before Crisfield. The bill, which passed the House and Senate the following April, provided for compensation of loyal slaveholders and appropriated funds for the voluntary colonization of emancipated blacks in Haiti or Liberia. The measure resulted in the massive flight of slaves out of Montgomery and Prince George's Counties and a political crisis for Maryland's congressional delegation.⁸

The specter of emancipation deeply disturbed many Maryland leaders. In terms of wealth alone, emancipation would result in property losses amounting to over a half-billion dollars and would raise the threat of black political equality in southern Maryland and the Eastern Shore. Most Maryland politicians, including Crisfield, feared that the District Emancipation Bill would be the first step in the general emancipation of slavery throughout the South. In an attempt to strike a psychological blow at the Confederacy and partially placate congressional Radicals, Lincoln asked the loyal slave states to abolish the institution with the help of federal compensation. The offer went forth as a war measure to save money and lives by shortening the conflict.⁹

In March 1862, Lincoln asked Congressman Crisfield to sound out the Maryland delegation on the idea of emancipation. In the course of their conversation, Lincoln spoke about the terrible nature of the war and how refugee slaves inevitably came to Union army camps. The Radicals in Congress, Lincoln reflected, were trying to protect black fugitives, while slaveholders complained that their rights were being denied. That prompted Crisfield to ask the president what would happen if his plan for compensated emancipation were rejected by Congress. Lincoln replied that he had no other plans, but the interview disturbed Crisfield.¹⁰

8. Charles B. Clark, *Politics in Maryland During the Civil War* (Chestertown, Md., 1952), 163. See also James G. Randall, *Constitutional Problems Under Lincoln* (New York: Appleton and Co., 1926), 357-64.

9. See Charles Lewis Wagandt, *The Mighty Revolution: Negro Emancipation in Maryland, 1862-1864* (Baltimore: The Johns Hopkins Press, 1964), 64.

10. Edward McPherson, *Political History of the United States During the Great Rebellion* (Washington, 1865), 210-24.

As an Eastern Shoreman, Crisfield tended to view slavery as a kind of benevolent patriarchy. On the floor of Congress he spoke for many Maryland slaveholders:

I am the owner of slaves. They are the descendants to a great degree of the woman who raised me. They look upon me as their protector. . . . I have been my whole life engaged in their protection. I have affection for them and have a duty to perform for them. . . . They have labored for me, it is true, but they have received from me quite as much as given me.¹¹

Crisfield and his colleagues feared government interference with slavery and would have none of Lincoln's plan for compensated emancipation. To them, the idea smacked of bribery and threatened to undermine states' rights. Crisfield doubted the constitutionality of appropriating money for the purpose of freeing slaves and in a report on the subject to the president urged Lincoln to wage war only for the restoration of the Constitution to its proper authority.¹²

On March 25, 1862, Crisfield engaged in a bitter House debate with Owen Lovejoy on the slavery issue. Crisfield's militant anti-emancipationist position as well as his reluctance to allow slaves to be taxed for the war effort, prompted Lovejoy to castigate Crisfield for defending an institution "which is a stench in the nostrils of God, and which the whole Universe is clamoring to have done away." Rising in reply, Crisfield answered that it would be an act of cruelty to emancipate the slaves. The choice he claimed was "between slavery on the one hand, and degradation, poverty, suffering, and ultimate extinction on the other."¹³

Lincoln may have disagreed with Crisfield on emancipation, but he respected him. A man of courage and unquestioned patriotism, Crisfield was an articulate spokesman for the border states that Lincoln was so loath to alienate. Risking the loyalty of the border states, Lincoln drafted a measure in the early spring of 1862 that would free the slaves in Maryland, Kentucky, Virginia, Delaware, and Missouri while compensating slave owners at a rate of \$400 per slave. The act promptly foundered amid opposition from pro-slavery Unionists and Republicans who objected to the program's great cost.

On April 16, 1862, Lincoln signed the bill for compensated emancipation in the District of Columbia. Given what seemed to be the inevitability of some kind of racial emancipation, the president then made a peace overture to the Maryland delegation, offering it a major voice in the process of emancipation in the state. The Marylanders rejected this overture. In July, after the passage of the Second Confiscation Act, which forbade the army from chasing runaway slaves and sanc-

11. Wagandt, *Mighty Revolution*, 42.

12. *Ibid.*, 59

13. Quoted in Clark, *Politics in Maryland*, 146.

tioned the enlistment of black soldiers, Lincoln again met with Crisfield. The president assured Crisfield that he would guarantee Maryland slaveowners \$300 for each emancipated slave and colonize the freedmen at government expense in Latin America. "You had better come to an agreement," Lincoln warned Crisfield. "Niggers will never be higher."¹⁴ Crisfield and his allies remained intransigent. By placing himself squarely against emancipation, Crisfield lost an opportunity to direct the process of black liberation in Maryland in a manner that would disrupt as little as possible the social, political, and economic life of the Eastern Shore. Conditioned to maintain a racial caste system that had been in existence for more than two centuries, Crisfield and other Marylanders stood immobile as the winds of social change swirled about them.

Meanwhile events on Maryland's Eastern Shore soon made John W. Crisfield's involvement with public discussion of emancipation irrelevant. First, the issuance of the Emancipation Proclamation following the battle of Antietam in 1862 clearly identified the institution of slavery as a war issue. Henceforth, ordered Lincoln, slaves in states still in rebellion against the United States were declared free. That slavery continued to exist in loyal states of the South was not addressed, but with such powerful precedents in military action and presidential decree, only wild-eyed conservatives could believe in slavery's continued tenure in border states like Maryland.

The coup de grace to slavery on Maryland's Eastern Shore arrived in July 1863 in the form of Union troops led by Colonel William Birney. Birney, the son of prominent abolitionist James G. Birney, was attached to the Maryland Department and given the task of organizing a regiment of U.S. Colored Troops in the state. Sharing his father's hatred of slavery, Colonel Birney made little distinction as to whether free blacks or fugitive slaves joined his regiment and saw in his position as a military commander an excellent means of striking a blow at slavery and the tidewater elite that controlled the Maryland legislature.¹⁵

Birney's men conducted raids to lure slaves from their plantations. A steamer with armed soldiers on board would steam down the Chesapeake Bay from Baltimore and enter one of the many rivers. Blacks slipped away into the night to join them. During the summer of 1863 Birney liberated more than two hundred slaves from Somerset and Worcester Counties. Union scouts on horseback urged slaves in the fields to flee to Snow Hill on the Pocomoke River where they could board a ship called "Jesus" (the steamer *John Tracey*) that would take them to "Paradise." In a visit to Snow Hill, Colonel Birney had a brass band composed of black musicians aboard the *John Tracey* playing martial music while U.S. Colored Troops with fixed bayonets paraded in the street. Slaves and free blacks flocked to the boat.¹⁶

14. Quoted in Wagandt, *Mighty Revolution*, 69.

15. Clark, *Politics in Maryland*, 179–80.

16. *Baltimore Sun*, November 11, 1863.

As more and more black men deserted the Eastern Shore, Crisfield's proslavery voters became increasingly divided on the issue of black enlistments. On the one hand, they detested Birney's antislavery tactics, but on the other, these enlistments, coming as the Union resorted to conscription to fill its ranks, reduced the white quotas for many Eastern Shore counties. In Crisfield's home county of Somerset, residents led by William Parsons, Perry W. Bradley, Joseph Price, and John Cordrey kept proslavery forces off balance by referring to black enlistments as "poor men's substitutes."¹⁷ Not only could Somerset County use the Negro to meet the draft quota, they argued, but they would also be rid of a racial problem. Appeals to racism and self-interest in Somerset County gave antislavery spokesmen respectful audiences. Before the war these same audiences might have lynched them for trying to tamper with their "peculiar institution."

Despite changing circumstances on the Shore, Crisfield held fast to his proslavery views and vainly attempted to prevent black enlistments in the Union army. In a major address to his constituents, the First District congressman argued that an army of blacks would weaken the nation and hinder the return to tranquility after the war. He raised the specter of racial violence on the Eastern Shore that would be the inevitable result of arming the Negro. Capitalizing on local racism, he urged the "involuntary deportation" of all blacks from the Shore so that the counties could remain exclusively white preserves.¹⁸

But black enlistments continued. Late in October 1863, 140 slaves left Princess Anne in Somerset County to enlist in the Union army and boarded the steamer *Meigs* on the Pocomoke River. Of these, six belonged to Congressman Crisfield. By that time the problem of escaping slaves on the Eastern Shore was so severe and complex that local military commanders were unwilling to deal with it. While a few die-hards shipped their slaves to Baltimore to be housed in a special slave jail to prevent their escape to freedom, most slaveowners in Somerset and elsewhere on the Eastern Shore stoically accepted the changing social and racial order in the Chesapeake.¹⁹

John W. Crisfield was the Shore's most illustrious casualty of Marylanders' shifting political allegiances and the changing necessities of the Union war effort. When Crisfield joined Democratic congressmen in attacking Lincoln as a dictator, his relationship with the president reached the breaking point. Following a January 3, 1863 speech on the floor of the House of Representatives, in which Crisfield accused the president of using emancipation for selfish political purposes, the Eastern Shore congressman became *persona non grata* at the White House.

17. *Baltimore American and Commercial Chronicle*, October 5, 1863.

18. John W. Crisfield, "To the Voters and People of the First Congressional District, October 10, 1863," in *The National Intelligencer*, October 17, 1863.

19. *Baltimore Sun*, October 30, 1863.

Later in the summer of 1863, Henry Winter Davis and other prominent Maryland antislavery leaders launched a campaign to defeat proslavery men in the November elections. Antislavery Unionists nominated John A. Creswell of Harford County to oppose Crisfield in the First District. Anxious to insure Crisfield's defeat, Davis asked General Robert Schenck, then commander of the Maryland Department, to issue a military order that would virtually guarantee the election for Creswell. Obliging, Schenck issued General Order No. 53, which was ostensibly designed to prevent pro-Confederate elements on the Eastern Shore from "foist[ing] enemies of the United States into power." Schenck had all "rebels" in the vicinity arrested and ordered county election judges to require from voters an oath of allegiance to the United States. The voter was not only to swear loyalty to the United States, he also had to swear that he had had no communication with anyone in the Confederacy, a considerable hardship for those with friends and relatives in the South. Schenck also sent troops to every political subdivision on the Eastern Shore that had a polling place. Specially appointed marshals were empowered to arrest those at the polls identified as "disloyal."²⁰

With the deaths and casualties of Gettysburg still on his mind, Lincoln supported Schenck's directive. Schenck had just been elected to the House of Representatives from Ohio, and Lincoln needed him as an ally. When Governor Augustus Bradford refused to honor the order, Schenck tried to impose military censorship by preventing word of the governor's action from reaching the Shore. Despite his efforts, the news got through. Benjamin F. May, a conservative Unionist, raced by train and then coach to Princess Anne and distributed Bradford's proclamation disavowing General Order No. 53.

Throughout his congressional campaign Crisfield encountered hostile crowds of Union soldiers who hooted and jeered him. Election ballots were printed on colored paper, permitting soldiers watching the polls to follow the voting. Crisfield and his ticket were placed on a white ballot. In Somerset County, Union troops were ordered to make sure that county residents only voted the yellow antislavery ballot.

On November 4, 1863, the morning of the election, a troop of federal cavalry one hundred strong, armed with carbines, rode into Princess Anne and quickly surrounded the polling place at the court house. Exasperated by such proceedings John Pinto, the election judge, claimed that the soldiers violated Maryland and federal election laws. Congressman Crisfield, standing close to the commanding Union officer, Captain Charles C. Moore, noticed that the cavalryman had a list of names in his hand. Crisfield asked if his name was on the list and Moore replied "Mr. Crisfield your speeches are quite sufficient for you."²¹ When Judge Pinto,

20. Wagandt, *Mighty Revolution*, 159.

21. "Proceedings of the Committee on Elections," *House of Delegates Journal*, February 10, 1864, Appendix 9–13.

Arthur Crisfield, the congressman's son, and several other citizens attempted to vote, they were arrested and placed under guard at the Washington Hotel. Only one vote was cast, an antislavery ballot, before Captain Moore ordered the polls closed.

Throughout the county Union soldiers controlled the election. At the Deal Island polls, Sergeant Frank Melville waved a yellow ballot, exclaiming, "This is the only ticket that shall be voted today." Throughout Somerset County voters protested the disappearance of all the white ballots from the polling stations. At Brinkley's precinct outraged voters came to the polls armed, and after an exchange of gunfire the soldiers beat a hasty retreat to Princess Anne.²²

John A. Creswell, the pro-emancipation candidate, defeated Crisfield by a vote of 6,742 to 5,482. Military interference in Kent and Somerset counties clearly had determined the election. Without the arbitrary closing of polls and the use of military force in these counties, Crisfield would have carried the district. In the congressional election of 1861 Crisfield had received 1,991 votes in Somerset County. Two years later he received only 691 from the few polling stations not closed by soldiers. Military interference cost him 1,300 home county votes upon which the election hinged.²³

Shortly after his defeat, Crisfield contested the election, charging fraud and voter intimidation. Although his status in Washington was sufficient to compel Lincoln to order the trial of Captain Moore, Crisfield predicted a "whitewashing." A three-man military commission found Moore not guilty of two charges specified: arresting election judges and preventing Arthur Crisfield from voting. Crisfield then appealed to the Maryland House of Delegates, but Henry Winter Davis and his antislavery allies in the legislature voted against restoring Crisfield's congressional seat. The House Committee on Elections of the Maryland legislature, counting a majority of Lincoln and Creswell supporters, defended the use of the military in the election as necessary and proper. The committee's minority report took a starkly different position. "In a majority of the districts of the county (Somerset), the minority subcommittee reported, "soldiers in organized military force appeared at the polls, and in nearly every district where they appeared they had charge and direction of the election. . . . The evidence is conclusive that there was an organized and predetermined effort throughout the whole county to use military force and intimidation to affect the result of the election."²⁴

22. Wagandt, *Mighty Revolution*, 168–69.

23. John A. Creswell, was one of the chief organizers of the Republican Party in Maryland and close political ally of Henry Winter Davis. After his election to Congress, his first important speech was made in support of the Thirteenth Amendment freeing the slaves. He was also the keynote speaker at the celebration for the ratification of the Fifteenth Amendment, held in Baltimore. His career was summarized in the *Cecil Whig*, February 26, 1876.

24. Minority Subcommittee Report, Document J, "Report of the Committee on Contested Elections in Somerset County," February 26, 1864, *House of Delegates Journal*, February 26, 1864.

Although Crisfield appealed to Governor Bradford to protest his case with Lincoln, it came to naught. Crisfield was a casualty of political machinations rooted in emancipation politics that had the tacit approval of the president himself. The defiant Unionist would spend the remainder of the war as a private citizen. After the war, Crisfield would reemerge as a successful railroad promoter, maritime businessman, and builder of the town that subsequently bore his name on Tangier Sound.



John H. Surratt Jr. (1844–1916) in his Zouave uniform. After Lincoln's assassination, friends helped Surratt escape to Europe where he served in the papal army. (Maryland Historical Society.)

The Trials of John H. Surratt

JOSEPH GEORGE JR.

John H. Surratt, accused of involvement in the Lincoln assassination, was still at large when the trial before a military commission of eight alleged conspirators, including his mother, took place in Washington during May and June 1865. Hidden by friends in Canada that summer, he was later placed on board a steamer headed for Liverpool. He then traveled to Italy where he enlisted in the papal army under an assumed name. When a former acquaintance recognized him and revealed his identity, he fled to Egypt, where he was captured and brought back to the United States in early 1867 for trial.¹ From February 1867 until he was ultimately freed in November 1868, Surratt faced not one but several trials—not all in a courtroom—with the threat of the gallows for most of the time a grim possibility. Using the services of an inmate of the jail, as well as cooperation of at least two members of the District's judiciary, those seeking to implicate President Andrew Johnson with Jefferson Davis and the Confederate cause offered Surratt a chance to save his life if he provided false testimony against the president. Once the trial began, with a friend of the "impeachers" presiding, Surratt heard people testify that they had seen him in Washington on April 14, 1865, the day Booth shot Lincoln. Two of those witnesses conceded, indirectly, that they had been paid for their testimony. As the trial drew to a close, the prosecution concocted an elaborate scheme to prove that Surratt was in Washington, participating in the assassination. When the jury failed to arrive at a verdict, Surratt languished in jail for a year until his case was again brought to trial. In June 1868 the grand jury indicted Surratt on a second charge, that of participating in a conspiracy by giving aid and comfort to the enemy—a crime punishable by ten years in jail or a fine of \$10,000. Surratt was ultimately retried in September 1868 on this charge before a different judge but escaped through a narrow opening in the legal tangle. Although the district attorney appealed to the Supreme Court of the District of Columbia, that court upheld the decision. Surratt's trials were finally over. Below are the details.

The Role of the Impeachers

Surratt's return to Washington in 1867 presented to some the possibility of tying Jefferson Davis to Lincoln's death and, more insidiously, of connecting President Johnson to Booth and the assassination. Congressmen Benjamin F. Butler and

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1. For Surratt's attempt to avoid capture, see Alexandra Lee Levin, "Who Hid John H. Surratt, the Lincoln Conspiracy Case Figure?" *Maryland Historical Magazine*, 60 (1965): 175–84. The author wishes to thank P. T. Annarummo, of Warren, R.I., for his assistance in the preparation of this paper.



Ohio congressman James M. Ashley (1824–1896), an ardent foe of President Andrew Johnson, bargained with Surratt and his acquaintances for proof that the former vice president conspired to assassinate Lincoln. (Courtesy Ohio Historical Society.)

James M. Ashley considered Johnson too sympathetic to the white South, too willing to grant pardons to former Confederate leaders, and too prone to use his veto power to frustrate congressional reconstruction programs—they were eager to impeach. While incarcerated in the District of Columbia jail, Surratt learned that he could save his neck by implicating Davis and Johnson.

The person through whom he could accomplish such a thing—Charles A. Dunham, alias Sanford Conover—was conveniently close at hand. On February 23, 1867, Surratt was brought into court for arraignment. A few moments later, prisoner Conover arrived and “was placed upon the same bench, by the side of Surratt.” The two men, as one newspaper expressed it, were well known to each other, which made odd their appearance on the prisoner’s bench, “one to be arraigned and the other to be sentenced.”²

Two years earlier, Conover had testified at the trial of the Lincoln conspirators before the military commission that he knew Booth and Surratt. He had sworn that he was in Jacob Thompson’s hotel room in Montreal on April 6 or 7, 1865, when Surratt arrived from Richmond bearing dispatches to Thompson, head of the Confederate secret service in Canada, from Secretary of State Judah P. Benjamin, as well as a letter from President Davis. When Thompson read this correspondence, he allegedly said, “this makes the thing all right,” meaning that Confederate leaders had approved a plan to kill Lincoln. Also, from a conversa-

2. *New York Herald*, February 24, 1867, p. 8.

tion with Surratt in Montreal "four or five days" before the assassination, Conover inferred that Surratt was to participate in a conspiracy against the president, though he did not learn what "that conspiracy might be."³

Despite these claims, Conover was not called to be a witness against Surratt in 1867. His involvement would take place outside the public's view, and with good reason. During the 1865 trial the government had come into possession of Conover's trunk, which contained personal papers proving he knew nothing of Confederate plots hatched in Canada against northern leaders. He was recalled to testify at that trial after the government received this incriminating evidence but was spared any embarrassment or accusation of perjury. He was asked nothing about the damning papers, then in the possession of the judge advocate general.⁴

When the military commission concluded its proceedings, Judge Advocate General Joseph Holt, with the approval of Secretary of War Edwin M. Stanton, hired Conover to obtain witnesses or evidence linking Jefferson Davis to Booth's crime. Conover spent the autumn of 1865 hunting for such witnesses (at government expense) and in November presented Holt with two men prepared to swear that they had conspired with Surratt and Davis to plot the murder of President Lincoln. Holt questioned them and personally wrote down their responses. Satisfied, Holt took them to the White House, where they repeated their accounts before the president and secretary of state. Later, before the House Committee on the Judiciary, the witnesses lost their nerve. They admitted their depositions were based on information manufactured by Conover and that they had never met Davis or Surratt. Conover was arrested, charged with committing perjury before the committee, tried in the criminal court of the District of Columbia, and ultimately sentenced to ten years in the penitentiary.⁵

That is how Conover came to be sitting beside Surratt on their February 23, 1867, appearance in court. Surratt was arraigned and sent back to the district jail to await trial; Conover's sentencing was delayed until defense motions for a new trial could be argued.

Conover now became the instrument in an attempt to induce Surratt to turn against Jefferson Davis and Andrew Johnson. For several months he shared a cell with William Rabe, a Washington insurance agent who had been arrested in 1865, tried, and convicted of attempting to defraud the federal government. Rabe swore

3. Benn Pitman, comp., *The Assassination of President Lincoln and the Trial of the Conspirators* (New York, 1954), 28-29.

4. John A. Dix to Edwin M. Stanton, June 24, 1865, Stanton Papers (microfilm), Library of Congress; J. F. Potter to Holt, June 21, 1865, Joseph Holt Papers, Huntington Library.

5. Testimony of Joseph Hoare, alias William Campbell, May 8, 1866, in "Manuscripts of Testimony before the Judiciary Committee in Investigations Relative to Jeff. Davis and C. C. Clay, April 1866," Benjamin F. Butler Papers, Library of Congress; Sanford Conover (Charles A. Dunham) Pardon File, B-576, Records of the Pardon Attorney, U. S. Justice Dept., Record Group 204, National Archives.

that in February 1867 Conover told him he had received an offer from Congressman Ashley—that tireless partisan in the struggle to impeach President Johnson. If Conover would obtain depositions implicating Johnson in the Lincoln murder conspiracy, Ashley and others would secure his release. The depositions were to be used as evidence before the Judiciary Committee in order to drive the president from office. In early April, Ashley visited Conover for a long conversation “in the back office of the jail.” Conover allegedly told Ashley he accepted the offer and advised him to induce Conover’s then cell mate, William E. Cleaver—awaiting trial for a rape that resulted in the victim’s death—also to sign affidavits to be used by the Judiciary Committee in return for Cleaver’s release. According to Rabe, Ashley had agreed.

A day or two later, again according to Rabe, Conover said that he was having difficulty convincing Cleaver to make fake depositions. “The scoundrel does not feel inclined as yet to sign these papers,” he complained, “. . . but I have no doubt that his conviction will loosen his tongue.” Conover had prepared for Cleaver’s signature a story implicating Johnson in Lincoln’s assassination. Booth and Surratt had both kept their horses at Cleaver’s livery stable. Cleaver was to agree that Booth had shown him some dispatches concerning Lincoln’s murder that were to be carried to President Davis from Vice President Johnson. Cleaver would also swear that Surratt showed him a dispatch from Johnson assuring Davis that although the effort to kidnap Lincoln had failed, the conspirators were watching for the first opportunity to make a “brick.”

Conover, said Rabe, had contacted Surratt in the district jail—apparently he had no difficulty reaching the isolated Surratt via jailers serving meals to the prisoners—offering to save “his neck” if he would implicate Johnson in Lincoln’s death. He argued that Surratt had good reason “to serve Andrew Johnson as bad as he could,” because Johnson had approved the sentence condemning Surratt’s mother to death. Surratt refused to go along; his attorneys had assured him the government possessed insufficient evidence for conviction. Conover then offered Surratt his “private opinion” as a lawyer, warning that Surratt’s attorneys had only agreed to clear him to save Davis’s life and to prevent Surratt from turning state’s evidence and implicating Johnson. If Surratt followed his lawyers’ advice, Conover said, he would end up “convicted.” He should not hesitate to offer Conover some disclosures against Johnson, which Conover’s friends in Congress would use to procure Surratt’s release. Were he to aid the House Judiciary Committee by submitting appropriate affidavits under Conover’s direction, Ashley would try to obtain Surratt’s freedom.⁶

Rabe’s criminal record invites skepticism with regard to this sworn statement, but other sources reveal incidents consistent with Rabe’s deposition. In early June

6. Deposition of William Rabe, May 10, 1867, Andrew Johnson Papers (microfilm), Roll 27, Library of Congress.

1867, about a week before the start of the Surratt trial, a Washington correspondent informed his paper that "well known to a few, including your correspondent," Surratt had received an offer of a deal. If he would disclose the names of all those who participated in the assassination, "which would implicate Mr. Davis," the government would drop the case against him and Congress would pass an act "relieving him of all legal responsibility . . . in the atrocious crime." These overtures had been made through Rev. Jacob A. Walter, a Catholic priest, "who attended the jailed Surratt and Surratt's sister Anna, who visited him daily." Surratt's reaction to this offer was unknown; his meetings with Walter were "entirely private." Conversations with his sister, however, always took place in the presence of one of Surratt's "keepers." Although the Surratts always spoke softly to one another, they could nevertheless "in the main" be heard. According to one of the jailers, "a very intelligent and reliable man," Surratt was by no means confident of an acquittal and "disposed to listen to any proposition" that might save his life. On May 28, Anna Surratt found her brother dejected, no longer confident that his attorneys would save him. If he believed his counsel guilty of "feeding him on false hopes," his sister offered to "go at once to General Ashley and General Butler." Surratt answered: "No, no—not now," but directed his sister to discuss the matter with Father Walter.⁷

Corroborating this account is a letter from W. J. C. Duhamel to President Johnson of February 26, 1867. Dr. Duhamel was the physician assigned to the District jail. A long-time friend of the president, Duhamel informed him that he had been approached by a person claiming to be connected with the Judiciary Committee, who asked Duhamel to tell Surratt that there was a way to "save his neck." Surratt need only "give the name of some one in high position" who was responsible for the assassination. He should also not expect to receive clemency from President Johnson, who would not dare to "interfere or pardon" Surratt. The person talking to Duhamel admitted that he had personally approached Miss Surratt, but "her brother's lawyer had prevented his communicating with her."⁸

Rev. William B. Matchett, who offered Duhamel this suggestion for a deal, was not formally connected with the Judiciary Committee but was an agent for Congressman Ashley, who also was not a member of that body. Known in Washington as "the Impeacher" for his vigorous efforts to remove Johnson from office, Ashley also was friendly and worked with Benjamin Butler, chairman of an ad hoc congressional committee usually referred to as the Assassination Committee, assigned to "check into the assassination in the hope of finding evidence damaging to President Johnson."⁹

7. *New York Herald*, June 6, 1867, p. 4.

8. Duhamel to Johnson, February 26, 1867, roll 26, Johnson Papers.

9. For a study sympathetic to Ashley, see Robert F. Horowitz, *The Great Impeacher: A Biography of James M. Ashley* (New York, 1979), 125–43. For Butler, see Hans Louis Trefousse, "Belated Revelations of the Assassination Committee," *Lincoln Herald* (1956) 13–16.



Congressman Benjamin Butler of Massachusetts (1818–1893), shown here in his Civil War uniform, chaired the ad hoc “Assassination Committee.” (Maryland Historical Society.)

According to a second Duhamel note, dated August 10, 1867, yet another priest was urged to convince Surratt to cooperate with the impeachers. Rev. B. F. Wiget, Mrs. Surratt’s spiritual adviser, received “several notes” from Butler and Ashley requesting an interview. Wiget visited Butler, who told him he had enough evidence to prove that Johnson was part of the conspiracy to kill Lincoln. Butler added—still according to Duhamel—that if Wiget would convince Surratt “to make a clean breast of it,” Butler would see to it that Surratt would be set at liberty and freed “from further penalties.”¹⁰

In a March 1867 visit to the jail, Duhamel met Anna Surratt, who mentioned that Butler and Ashley had sent for her. She had told them that her brother’s attorney had advised her to see them only if he was present. The two congressmen refused to accept that condition. As to the effort to implicate Johnson in Lincoln’s murder, Anna Surratt stated that her brother knew nothing of that claim. “She knew,” according to Duhamel, that her brother “could not be induced to *swear away his soul*.”¹¹

Along with attempts to reach Surratt via his sister or the priests, the impeachers attempted to use Conover, still incarcerated in the same jail. On April 24 the *Philadelphia Inquirer* noted that although convicted of perjury before the House Judiciary Committee, Conover had not as yet been sentenced. His counsel were

10. Duhamel to Johnson, August 10, 1867, roll 28, Johnson Papers.

11. Duhamel to Johnson, March 27, 1867, *ibid*.

Anna Surratt (1843–1904), visited her brother daily during his incarceration. (Courtesy Surratt House Museum.)



seeking delay, “holding out the intimation that he will divulge some important matters in connection with Jeff. Davis’ case, and that he can substantiate it with other testimony.” Two days later, Matchett urged Conover to be patient, that “the matter will rest for the present. . . . You will not leave the city *ad interim* [for the Albany, New York, penitentiary].” He added that Mr. A. [Ashley] will return next week, when other matters will be adjusted.”¹²

On Friday, May 3, the warden of the D.C. jail was due to start for the Albany penitentiary with some prisoners, Conover included, but the night before, according to a prison guard, the warden received a letter from Ashley telling him “by no means to take Conover away.” That evening, Ashley appeared at the jail and had a long, private interview with Conover. Duhamel reported to the president that Judge George P. Fisher had on May 2 given the warden the order to take Conover and others to the Albany penitentiary but that the warden suddenly postponed the trip. Further, the doctor wrote, a prison guard had told him that he had asked Conover why Ashley visited him so frequently and wondered if their meetings concerned Surratt. Conover said no, they were talking about higher game than that.¹³

12. *Philadelphia Inquirer*, April 24, 1867, enclosed in C. A. Dunham to Johnson, July 29, 1867, roll 27, Johnson Papers.

13. Memorandum handed to W. G. Moore, Johnson’s secretary, May 7, 1867; Duhamel to Moore, May 8, 1867, *ibid*.

Sometime in August 1867, Johnson received two memoranda dealing with Conover and Ashley. The first was written by a former official at the jail who complained that the warden permitted Ashley "and others" to have ready access to Conover in order to effect Johnson's impeachment. He added that Conover had boasted that he would say anything to keep out of the penitentiary. The second note, written by a prison guard, stated that Ashley "frequently met with Conover," and on one or two occasions visited with Cleaver. This memorandum stated that after Conover's first meeting with Ashley, he was given a room to use as a private office, stocked with paper, pens, desk, law books, and even a copy of Pitman's record of the 1865 Lincoln conspiracy trial. In that room Conover held private interviews with his wife and others "almost daily."¹⁴

Ashley lent credence to these accounts. In testimony before the Judiciary Committee during its impeachment hearings in late 1867, he admitted that he had written letters and memoranda sent to Conover, and previously made public, and that he also had seen Cleaver several times—in the District jail and later in his congressional office. He also acknowledged that he had interceded with Judge Fisher and Chief Justice David K. Cartter of the D.C. Supreme Court to keep Conover in Washington rather than sending him to the Albany penitentiary.¹⁵

Conover may not have been exaggerating when he complained of Fisher's conduct in a letter to his wife that she was to take to Johnson. He charged that when told by Ashley that Cleaver would become a witness against Surratt, ready to swear that he knew of correspondence between Vice President Johnson and Booth, Fisher "went back" on his sentence of a five-year prison term for Cleaver. Instead, the judge admitted him to bail, "with the understanding that he would not be convicted again."¹⁶

Congressman Butler's role in this scheme to use Surratt to implicate Johnson in Lincoln's murder is also demonstrable, if not so blatant as that of Ashley. In addition to his involvement in the attempt to get to Surratt via the clergy and Anna Surratt, other evidence is available. A Philadelphia newspaper owned by Secretary of the Senate John W. Forney, and as loyal as its proprietor to the congressional Radicals, reported a month before the start of the Surratt trial Butler's boast that in his search for facts concerning Lincoln's assassination, he had "obtained positive evidence" that the conspirators never meant to include Vice President Johnson among their victims. Conspirator George A. Atzerodt's appearance at Johnson's hotel the night of the murder was deliberately "put forward as a blind."¹⁷

14. William H. Huestis memorandum, August 1867, and Robert Walters memorandum, August 1867, *ibid.*

15. U.S. Congress, House of Representatives, *Impeachment Investigation . . .*, 40th Cong., 1st Sess., House Reports no. 1-7 (Washington, 1867), 1202-3.

16. Charles A. Dunham to Ophelia Dunham, August 15, 1867, roll 28, Johnson Papers.

17. *The [Philadelphia] Press*, May 4, 1867, p. 1.

That the report obviously came from Butler is partially confirmed in a statement Conover made when he realized that his congressional friends could not, or would not, keep him out of his ten-year prison term. He turned to President Johnson, and on the night before his scheduled transfer to Albany wrote the president explaining the Radicals had "forced" him into association with such "traitors and conspirators," and pledging that as soon as he was released he intended to place in Johnson's hands or "lay before the public" a complete exposure of "their diabolical designs." Johnson, who doubtless was aware of Conover's record of perjury, probably gave these assurances little weight, but there is no indication that Conover had read the account of Butler's doings in the Philadelphia paper.

Conover then divulged the conspirators' plan and blamed its inception on Ashley. Witnesses, whom Conover was to produce, were to testify that on several occasions they had seen Booth visit the vice president's room. Atzerodt's appearance at the hotel on the evening of the assassination "was only a sham," although Atzerodt himself was unaware of it. His presence was to make it appear that Johnson was an intended victim and deflect all suspicion from the vice president's role in Lincoln's murder.¹⁸

Conover also reported a second scheme by which the impeachers meant to implicate Johnson, this one related to a plot to kill Lincoln on the day of his second inaugural. Afterward, Booth was supposed to have told friends in New York that "he was acting with the knowledge of the Vice President" in planning to assassinate Lincoln on inauguration day. In anticipation, Johnson had taken stimulants to prepare himself, which accounted for his strange conduct that day. He was "not so much intoxicated as nervous and excited." Conover had assured Ashley that he would be able to find people who would swear to "these matters" and agreed to seek appropriate witnesses "as soon as released." With the assistance of his wife, Conover could, he said, obtain "witnesses" who came to Washington and were accepted first by Ashley and then "inspected and passed" by Butler. Butler wanted to depose these men, but Conover insisted it could only be done after he was released.¹⁹

Conover then reminded Johnson of Butler's stratagem when obtaining House approval for his Assassination Committee. In introducing the resolution establishing his ad hoc committee on July 8, 1867, Butler explained to the House that none of the "many conspirators" involved in Lincoln's death had come forward or made the "slightest disclosure." They had remained silent because no one had said to them: "Tell the truth . . . and [if] it turns out you are comparatively an innocent party, moved by other high parties, you shall be saved." Those involved in the conspiracy, or who had prior knowledge of the plot, could present their evidence

18. Dunham to Johnson, July 29, 1867, roll 28, Johnson Papers.

19. *Ibid.*

before Butler's Assassination Committee, which would provide them amnesty if they would testify against those "holding high positions of power and authority" who had used these potential witnesses as "their tools and instruments." The House approved the resolution and named Butler chairman of this select "Committee on the Assassination of President Lincoln." Butler was now free to offer immunity to the likes of Surratt, whose trial was in progress and would continue into the next month, and any other witness willing to appear before his committee.²⁰

Another reference to Butler appears in a letter from Annie F. Ward to Johnson. A friend of the Surratt family who had testified on behalf of Mary Surratt before the military commission,²¹ he recalled that in the middle of February 1867 a stranger had visited her and asked that she use her influence with Surratt's sister to arrange an interview with John Surratt. Her visitor said he "was in possession of facts" that "would . . . liberate him without the necessity of a trial." When Ward told him that she could put him in contact with Surratt's attorneys, he answered "curtly" that he had no wish to be involved with lawyers—"he had some questions to ask Mr. Surratt, . . . that Mr. Surratt's answers . . . would free him, without Judge or Jury." Her visitor then hinted that certain parties "high in power" had more to do with Lincoln's murder than Mary Surratt and that he and his employers were determined to discover "these really guilty men." Ward concluded that her visitor wanted to persuade Surratt to implicate Jefferson Davis, but his attempt to have her introduce him to Anna Surratt, and a similar attempt by the woman at whose house Ashley boarded, convinced Ward that they were really out to trap Johnson. Despite her refusal to intercede, they reached Miss Surratt and persuaded her to see Congressman Butler.²²

Conover's connection with the imprisoned Surratt and the clumsy attempt to involve Johnson in Lincoln's murder revealed too close a connection between the impeachers and the District of Columbia judiciary as well as the prosecution in the Surratt trial. At Ashley's behest, prosecuting attorney A. G. Riddle, along with Judge Advocate General Holt, sought a presidential pardon for Conover while the trial was still in session. Riddle insisted that Conover had provided the prosecution with "valuable information both as to facts and witnesses." From his cell, said Riddle, Conover managed to "keep informed of the progress of the case," communicating "important facts and suggestions," seemingly "for the sole purpose of a fair investigation of the case." When this letter was made public, Riddle back-peddled, explaining that he found some of Conover's information "of considerable value" but admitting that Conover had provided "the name of no wit-

20. *Ibid.*; *Congressional Globe*, 40th Cong., 1st Sess. (1867), 515–16, 522.

21. Pitman, *Assassination of President Lincoln*, 135.

22. Annie F. Ward to Andrew Johnson, September 9, 1867, *The Papers of Andrew Johnson*, LeRoy F. Graf, R. W. Haskin, and Paul H. Bergeron, eds., 16 vols. (Knoxville: University of Tennessee Press, 1967–2000), 13:50–52.

ness used by the government" in Surratt's trial "nor can I recall any fact given in evidence that was derived from him." Holt's petition argued that a "principle of public policy" leads governments to encourage "those charged with crime" to make disclosures which could result in "unmasking even greater offenders than those who make them."²³

None of this came as a surprise to Andrew Johnson, who had predicted with some acumen on January 31, 1867, before Surratt arrived in the District jail, that attempts would be made to suborn him. "The man's life is at stake," he had told Secretary of the Navy Gideon Welles. "He was desperate and resentful—such a person and in such condition might, if approached, make almost any statement." "The more reckless radicals," Johnson assumed, "would . . . attempt to convince him to perjure himself."²⁴

In his letter to Johnson of July 27, 1867, Conover had mentioned that one note from Ashley had been written in the office of David K. Cartter, Chief Justice of the Supreme Court of the District of Columbia. Cartter and Associate Justice Fisher were willing confederates of the impeachers in their dealings with Conover and Cleaver. Fisher presided at the Surratt trial. Lincoln had nominated Cartter—a personal friend who had played a prominent role in Lincoln's nomination at the 1860 Chicago convention—to serve as chief justice, and as the three associate justices, Abram Baldwin Olin of New York, Fisher of Delaware, and Andrew Wylie, then a resident of Washington. Olin and Fisher had voted for the reorganization bill for the District courts as members of the House of Representatives, and both had failed to be reelected. Wylie, described as possessing an "independent mind on legal matters" which frequently "prevented him from being able to agree with the majority of the court," had been nominated previously to fill a vacancy on the earlier court, but once that court was abolished Lincoln submitted his name to sit on the new creation.²⁵ The evident prejudice of these judges is not surprising, for they had been appointed during the war in an attempt to clear the District's court system of its pronounced southern bias.²⁶

23. Ashley to Holt and Riddle, July 22, 1867, enclosed in Dunham to Johnson, July 29, 1867, and Holt to Johnson, July 24, 1867, both in roll 28, Johnson Papers; Riddle to Johnson, July 23, 1867, copy, Holt Papers, vol. 57, Library of Congress; *The Press*, August 19, 1867, p. 1.

24. Howard K. Beale, ed., *Diary of Gideon Welles: Secretary of the Navy Under Lincoln and Johnson* 3 vols. (New York: W.W. Norton, 1960), 3:31.

25. Ibid.; Job Barnard, "Early Days of the Supreme Court of the District of Columbia," *Records of the Columbia Historical Society*, 20 (1919): 18.

26. Quoted in F. L. Bullard, "Lincoln and the Courts of the District of Columbia," *American Bar Association Journal*, 24 (1938): 117–20. Before 1863 judges of the Circuit Court of the District of Columbia were considered by the Republican majorities in Congress as sympathetic to secession. During the debate in the Senate of a bill to reorganize the District's court system, Henry Wilson of Massachusetts said of the chief judge of the Circuit Court, "I believe his heart is sweltering with treason." Rather than use the cumbersome practice of impeachment to rid the court of undesirable judges, Congress chose instead to abolish the court system, which had been established in 1800, and

The First Trial

Surratt's trial began on Monday, June 18, 1867, before Associate Justice Fisher. District Attorney Edward H. Carrington headed the prosecuting attorneys, aided by Assistant District Attorney Nathaniel Wilson, former Congressman Riddle, and ex-Judge Edwards Pierrepont of New York, who would do most of the examination of witnesses. Defense counsel, working without fee for the penniless prisoner, was led by Joseph H. Bradley Sr., assisted by his son, Joseph H. Bradley Jr., and Richard T. Merrick. Wilson opened the case for the prosecution by noting that the grand jury of the District of Columbia had indicted Surratt as "one of the murderers of Abraham Lincoln." Surratt, he said, was in Washington on April 14, 1865, "aiding and abetting that murder," and was, at 10:30 P.M. on that fateful evening, in front of Ford's Theatre in company with John Wilkes Booth.²⁷

Wilson asserted that while in Montreal, where he had gone from Richmond, carrying messages from Confederate authorities to their agents in Canada, Surratt had received a summons from Booth "requiring his immediate presence" in Washington. "In obedience to that pre-concerted signal," Surratt "at once left Canada and arrived here [Washington] on the 13th [of April]." The Montreal hotel book-keeper confirmed the length of Surratt's stay there.²⁸

This claim that Surratt suddenly appeared in Washington on April 14 at Booth's behest ran into a snag when Louis J. A. McMillan testified for the prosecution. McMillan was the physician assigned to the steamer that transported Surratt to England from Quebec in September 1865. He became friendly with Surratt during the passage across the Atlantic, and the two frequently discussed Surratt's activities as a Confederate courier. Surratt told McMillan, according to the latter's testimony, that at the beginning of the week culminating in Lincoln's death, he had received a telegram from Booth, in New York, ordering him immediately to Washington, "as it had been necessary to change their plans, and to act promptly." Surratt had "started immediately" for Washington on receipt of the telegram, stopping first in Elmira, New York, where he telegraphed Booth in New York City, but learned that Booth had already left for Washington.²⁹

Former Confederate agent Stephen F. Cameron, a defense witness, contradicted McMillan, whom he had met on a later voyage from Quebec to Liverpool. He swore that McMillan had told him of his conversations with Surratt, but as

replace it with a Supreme Court of the District of Columbia, with "justices," nominated by President Lincoln and confirmed by the Republican senate, in place of the former "judges," The bill was finally approved by both houses on March 3, 1863, and signed into law by Lincoln on the same day. As the *New York Tribune* of March 5, 1863, described it, the new law provided that "the administration of justice in the District would now rest on "anti-slavery instead of pro-slavery principles."

27. *The Trial of John H. Surratt in the Criminal Court for the District of Columbia*, 2 vols. (Washington, 1867), 1:118. [Hereinafter *Surratt Trial*.]

28. *Ibid.*, 1:118, 166.

29. *Ibid.*, 1:471-72.

Cameron recalled it, Surratt had told McMillan that he was in Elmira on April 14 and only learned the next morning that Lincoln had been shot.³⁰ The prosecution presented witnesses challenging Cameron's bona fides, and Surratt's attorneys countered with others defending their witness's integrity.

Another prosecution witness, H. B. Ste. Marie, who had served in the papal army with Surratt, had previously asserted to American authorities in Italy that Surratt "must have bribed others" to murder Lincoln, "for when the event took place he told me he was in New York, prepared to fly as soon as the deed would be done." In a second communication, Ste. Marie changed his story. He now placed Surratt in Washington on April 14, waiting "till all was prepared for the deed and left the same night for New York and from thence to Canada." When Ste. Marie finally testified, he swore that Surratt told him that he left Washington "that night, or, the next morning." His performance on the witness stand was brief; the prosecution obviously had little confidence in him. Defense counsel did not bother to cross examine him but dismissed him as "utterly devoid of character and unworthy of belief." Nevertheless, Ste. Marie's first statement placing Surratt somewhere in New York on April 14, was not inconsistent with McMillan's testimony.³¹

McMillan and Ste. Marie, two people who swore they discussed the assassination with Surratt, presented a serious challenge to the government's case. Why had Surratt gone to Elmira after Booth had urged him to rush to Washington? Leaving Montreal by train a passenger would have to change at Albany after a nineteen-hour ride. If Surratt had taken that 3 P.M. train from Montreal on April 12, as the prosecution contended, he would have arrived in Albany at 5:45 A.M. the next morning. From there he would have taken a train west at 7 A.M. that reached Canandaigua at 4:52 P.M., about a nine-hour ride. He would then have had another ride of three hours to Elmira. If he reached Elmira at 8 P.M. on the evening of April 13, it would have been impossible for him to be in Washington on the morning of April 14.³²

The defense presented witnesses armed with verifiable documentation that Surratt was in Elmira on April 13 and 14. A tailor at an Elmira clothing store recognized Surratt as a man who came to the store on April 13 seeking an item of clothing not in stock but which one of the owners had planned to purchase during his trip to New York City. Surratt returned to the store on April 14 but was told the item he sought had not yet reached Elmira. The tailor was able to fix these dates by referring to the company's books, which he had brought to court, and which

30. Ibid., 2:793-94.

31. *United States Ministers to the Papal States: Instructions and Despatches, 1848, 1868*, ed. by Leo Francis Stock (Washington, 1933), 371-72; *Surratt Trial*, 1:543. For a more detailed study of Ste. Marie, see Joseph George, Jr., "H. B. Ste. Marie and His Role in the Arrest of John H. Surratt," *Lincoln Herald* 85 (1983): 269-79.

32. Detective J. A. W. Clarvoe's testimony and Attorney Merrick's summary, *Surratt Trial*, 1:834-35; 2:1160, 1195.

showed that that owner had left Elmira on April 12 and returned on the fifteenth. The co-owner of the establishment also remembered Surratt because of the unusual cut of his "Garibaldi" jacket, a style not yet common below the Canadian border.³³

As the trial unfolded the government had to contradict its own witness, the bookkeeper at St. Lawrence Hall, Surratt's Montreal residence. The hotel's books which the witness brought with him, showed that Surratt had left the hotel on April 12 at 2:45 P.M., and caught the 3 o'clock train for New York. Bradley and Pierrepont had agreed on a stipulation that Surratt left Montreal on April 12.³⁴ The prosecution was faced with the necessity of arguing that after being summoned to Washington, Surratt left the train in Albany nineteen hours later and caught another train west to the other side of the state, ultimately reaching Elmira some thirteen hours later. There he delayed long enough to buy some clothing before taking a train south to meet Booth in Washington on April 14.

Even this scenario was not easy to maintain. As defense counsel Merrick noted in his closing remarks, the prosecution had learned that spring floods had destroyed some bridges, making it impossible for passenger trains to leave Elmira at all on the evening of the thirteenth. They resorted to arguing that Surratt could have taken some freight trains into Washington. They had to have him in Washington by 9 A.M. to be shaved by a prosecution witness who identified him as the man who accompanied Booth at that hour on April 14, into his barber shop. When it became apparent that they could not get Surratt out of Montreal on the twelfth and out of Elmira on the thirteenth to be in Washington on the fourteenth, they changed tactics. Prosecutor Edwards Pierrepont argued that Surratt's presence in Washington was not necessary to prove his guilt. "He could perform his part in the conspiracy as well at Elmira as at Washington." "If he left Montreal in obedience to an order of . . . Booth," Pierrepont stated, ". . . it matters not whether he arrived in time to bear his allotted part or not." That statement cast doubt on the testimony of the several prosecution witnesses who claimed to have seen Surratt in Washington on April 14.³⁵

Also, nobody could explain the logic in McMillan's testimony that Surratt hurried to Washington in response to a telegram from Booth but in so doing detoured to Elmira. Then, according to this argument, he rushed from western New York to Washington, using freight trains to arrive in time for the murder. Why would he have been in such a hurry? The specific plan to assassinate the president could not have been hatched before mid-day, April 14. As James P. Ford, business manager for Ford's Theatre, testified, he was in the office on April 14 and

33. *Ibid.*, 1:723-24, 2:732-45.

34. *Ibid.*, 1:166-68.

35. *Ibid.*, 1:494-95, 2:1159-66.

was only alerted "about half past ten" that morning, that the president had inquired "if he could get a box [for] that evening."³⁶

To assist in its almost impossible task of proving that Surratt participated in the assassination, the prosecution drew upon the War Department's Bureau of Military Justice. Men who had played significant roles in the earlier military commission trial were to assist the prosecution in the Surratt case. Congressman John A. Bingham, an assistant judge advocate in the 1865 trial, had been retained as an aid to the district attorney, "gathering and arranging testimony." Joseph Holt, who presided over the bureau and now joined the prosecution, had served as judge advocate at the military commission trial. With such assistance it was assumed that the government would have little difficulty in proving the guilt of the prisoner and securing his conviction. On June 15, 1867, the day the final jurors were chosen for Surratt's trial, a Washington correspondent advised his Philadelphia newspaper that once again "a chain of events will be established showing Jeff. Davis's connection with the plot to murder President Lincoln."³⁷

Holt interviewed witnesses and made available his office personnel to assist in finding others. For example, E. L. Smoot testified about a conversation he had had with Surratt in January or February 1865. Surratt, whom Smoot assumed had just returned from Richmond, told him that the Federals would stretch his neck if they knew what he had been doing. On cross examination, Smoot conceded that after giving his preliminary statement to the district attorney, he had been taken to Holt's office and examined by the judge advocate general himself. "I did not know his name," Smoot explained. "He told me he was Judge Holt after I had been examined." Defense counsel also obtained Smoot's interesting admission that taking time out to appear at the trial was costing him money, but that he had been assured by a third party that he would receive "ten dollars a day, if you do what is right." This promise came to him from one who "had seen Mr. [Assistant District Attorney] Wilson."³⁸

The next day Smoot returned to the stand to answer defense questions about who in the government had examined him. He had been told when he left the stand that he was mistaken, that the gentleman who questioned him was not Holt. Smoot now explained that some of the other witnesses had told him that the elderly gentleman was Holt. He also identified the other person who questioned him as a Colonel Barr of the Judge Advocate General's Office. At this point the prosecutor and Judge Fisher complained about the defense's cross examination of this witness. Inquiring who has examined witnesses was, said Fisher, "a needless

36. Ibid., 1:580.

37. *The Press*, June 17, 1867, p. 6. For additional evidence of Bingham's participation, see *Surratt Trial*, 1:420.

38. Ibid., 1:190-92. Fees allowed witnesses were \$1.25 per day, and 5 cents per mile each way for travel allowance. *Philadelphia Inquirer*, August 10, 1867, p. 1; *New York Times*, August 10, 1865, p. 5.

waste of time." Any government official who failed to use "due diligence" in such an important trial would be "derelict in his duty." Bradley agreed that Holt had authority in matters concerning the army but reminded the court that the judge advocate had no right to be involved in investigating matters dealing with private citizens.³⁹ Later, another prosecution witness, who swore that in March 1865 he had learned that two rifles were to be given to Surratt, stated that he had been questioned by the district attorney as well as "Judge Holt and Colonel Barr."⁴⁰

Perhaps Judge Holt's most significant contribution to the prosecution was his assigning Major Richard R. Montgomery of his staff to assist the government. Although other members of Holt's Bureau of Military Justice assisted the prosecution during the trial, Montgomery was the one most deeply connected with the government's attorneys. He was apparently in his late twenties in 1867. A former resident of New York, he had served briefly in the war as an officer and spy on the staff of General Irvin McDowell, but information concerning him is sketchy. When Montgomery left the army, after a few months of undercover work, McDowell rated his services as "by no means of the character and value he thinks and represents them to be." The War Department also found "evidence of bad faith" in Montgomery's claim for extra compensation.⁴¹ Montgomery had obtained a commission in a New York regiment "but was deprived of it for fraud." After his stint in the army, Montgomery ran afoul of civil authorities "on a charge of seduction and robbery."⁴² In 1864, Montgomery was an agent, or spy, for the War Department. He managed to win the confidence of the Confederates who used him to convey messages between Richmond and their agents in Canada. In this work he first stopped in Washington, before delivering Confederate dispatches to or from Canada, so the War Department could read these reports.⁴³

When the government brought the eight defendants in the Lincoln assassination to trial by military commission in 1865, Montgomery was one of the first witnesses for the prosecution. Testifying in secret, he claimed that Jacob Thompson, chief Confederate agent in Canada, had told him in 1864 that at any time he could have the tyrant Lincoln as well as other leaders in Washington "put out of the way." When, according to Montgomery, he repeated Thompson's boast to C. C. Clay Jr., another prominent Confederate agent in Canada, Clay replied, "We are all devoted to our cause and ready to go to any lengths—to do anything under the sun to serve our cause." Montgomery testified that by January 1865 the wish to

39. *Surratt Trial*, 1:218–19.

40. *Ibid.*, 1:510–14.

41. Richard Montgomery, Secret Service Fund, pd. November 13, 1862, Entry no. 95, Secret Service Accounts, November 1862–June 1863, Provost Marshal General's bureau, RG no. 110, National Archives.

42. *New York Daily News*, June 14, 1865, p. 5.

43. Charles A. Dana, *Recollections of the Civil War; With the Leaders at Washington and in the Field in the Sixties* (New York, 1898), 238–46.

do away with Lincoln had become stronger. Thompson allegedly told him that he had received a proposition "to rid the world of Lincoln, Stanton, Grant, and others." Thompson supposedly liked the plan but decided to wait until he received approval from Richmond before acting. Montgomery also testified that he had seen Seward's assailant, Lewis Paine (Powell), in Canada during the summer of 1864, engaged in confidential interviews with Thompson and Clay. Thompson's private secretary allegedly told Montgomery that Booth had visited Thompson once in the summer of 1864 and twice during the following winter.⁴⁴ No evidence was introduced at the trial to show that Montgomery had ever informed Washington of his conversations with Thompson and/or Clay.

Three weeks into that trial, Montgomery's testimony was made public. Confederates in Canada denounced it as perjury. One published a pamphlet noting that the astounding conversations between Thompson and Montgomery in January 1865 in Montreal could not have occurred because Thompson was three hundred miles away in Toronto. Similarly, Montgomery's supposed conversation with Thompson's private secretary a few days after the assassination could not have taken place. The secretary's travels during that period were widely published, especially in the northern press, placing him nowhere near Montgomery at that time.⁴⁵ As to his assertion that Thompson was waiting for approval from Richmond before ordering Lincoln's assassination, a Republican newspaper wondered why there was no record that Montgomery had ever warned Washington authorities of this threat.

The War Department was satisfied with Montgomery's performance nevertheless and appointed him a major in the army in May 1866, assigned to Holt's Bureau of Military Justice.⁴⁶ His role at Surratt's trial was to seek and examine witnesses for the prosecution.

Montgomery traveled to Elmira to obtain witnesses who would swear that Surratt left that city in time to arrive in Washington on April 14, 1865. Martin Drohan, for example, operated the ferry across the Susquehanna River for connecting train service between Elmira and Williamsport, Pennsylvania. He testified that a man urgently approached him on April 13, 1865, asking to be ferried across the river in order to catch a train headed south. So eager was he to reach the Williamsport side of the river that he paid Drohan one dollar instead of the usual fifty cents. Drohan then identified Surratt as the man in such great haste to use his ferry. In cross examination Bradley asked him who had brought him to Washington. Drohan

44. Pitman, *Assassination of President Lincoln*, 24–26.

45. Stuart Robinson, *The Infamous Perjuries of the "Bureau of Military Justice" Exposed. Letter of Rev. Stuart Robinson to Hon. Mr. Emmons* (Toronto, 1865), 2–4.

46. [Philadelphia] *Public Ledger*, June 6, 1865, p. 2; Holt to J. C. Kelton, May 3, 1866, M 419 CB 1064, roll no. 279, Letters Received by the Commission Branch of the Adjutant General's Office, 1863–1870, Micro no. 1064, National Archives.

did not know his name but looked across the courtroom. "Yes," he said, "that is the gentleman," pointing to Montgomery. Angrily, Bradley then said: "You may go; get down from that stand; I don't want anything more of you."⁴⁷

Another prosecution witness, Ezra B. Westfall, identified himself as a train-master for the Philadelphia and Erie Railroad stationed at Williamsport in April 1865. He recalled that when a special train from Elmira arrived at 12:30 P.M., a man came up to him, "very anxious to get through." He then identified Surratt as that man. In his cross examination, Bradley showed that Montgomery had aided Westfall's memory. Westfall admitted that Montgomery had told him what time Surratt was supposed to have arrived in Williamsport; on which train he was supposed to have arrived; and "something about [Surratt's] dress." Cross examination also established that during the progress of the trial one of Montgomery's fellow officers in the Bureau of Military Justice engaged the witness to serve two summonses, for which he received compensation.⁴⁸

In his final remarks to the jury, defense attorney Merrick referred to Montgomery as the "right-hand man" of convicted perjurer Sanford Conover and said that Montgomery had "made" Drohan as Conover had "made" Montgomery. Drohan had spotted Surratt on his ferry by his "Garibaldi" jacket. The prosecution then tried to show that Surratt had hurried to Washington from Elmira by catching freight and gravel trains in which he would have had no opportunity to change clothes. Yet none of the prosecution witnesses saw him in Washington on April 14 thus attired, including the barber who allegedly shaved him when he got off the train. Surratt had no opportunity, if the prosecution's schedule were accurate, to change clothes before arriving in Washington. "Drohan is the only man who saw him in that peculiar coat," Merrick asserted, and advised the jury that Montgomery had "overleaped himself." Turning to the prosecution table, Merrick said of Montgomery: "He does not do his work well, gentlemen; you ought not to have him."⁴⁹

Three weeks after the trial ended, Montgomery was paid a sum of \$810, from War Department Secret Service funds, authorized by his superior, Judge Advocate General Holt. If that money paid for Montgomery's travel to and from Elmira, it was much more than ordinary payment for travel expenses in mid-nineteenth-century America.⁵⁰

Other prosecution witnesses also provoked defense counsel. Susan Ann Jackson, Mary Surratt's servant in April 1865, testified that she was introduced to John Surratt by his mother on the evening of April 14, at about 9 P.M. She said that she had prepared supper for him at his mother's request, had so testified before Col. H. S. Olcott on the Monday following the assassination, and that her answers to

47. *Surratt Trial*, 2:924-25.

48. *Ibid.*, 2:940-41.

49. *Ibid.*, 2:1196-97.

50. August 31, 1867, Index to Secret Service Payments, 1861-1870, Records of the Adjutant General's Office, RG no. 94, National Archives.

questions were written down. In his closing remarks, Attorney Merrick reminded the jury that, had her written statement before Olcott charged that Surratt was at home on the evening of April 14, it would have been introduced at this trial and also before the military commission in 1865. "They would have used it then . . . they would use it now." Reflecting the bitterness so frequently displayed by defense counsel, Merrick added that the prosecutors "knew she was lying on that stand, and they tacitly acquiesced in the lie."⁵¹

John Lee, a detective in the Washington provost marshal's office, had testified at the earlier trial as to articles he had discovered on April 15 in conspirator George A. Atzerodt's hotel room. At Surratt's trial two years later, however, he added that he had seen Surratt—a person he knew but not to speak to—on the street in Washington on April 14, 1865. When cross examined by Bradley, he explained that he "passed him [Surratt] on the street." Why had he not informed the military commission? "I never was asked the question." But Bradley got Lee to admit that in 1865 he had never told anyone in authority that he had seen Surratt on April 14, even though he knew that Surratt was a suspect and that he (Lee) had been assigned to participate in the investigation. The only name that he had "special thought about was Atzerodt," Lee said.⁵²

The testimony of two defense witnesses against Lee was significant because of their involvement in the investigation of the Lincoln assassination. The first, Col. James R. O'Beirne, was a war hero and former provost marshal for the District of Columbia. Lee had served as his "chief detective." O'Beirne had fired Lee because his reputation "for truth and veracity" was "bad." The second, Samuel K. Brown, had served as O'Beirne's deputy and confirmed O'Beirne's opinion. The prosecution declined to cross examine either man.⁵³

Joseph M. Dye also claimed to have seen Surratt in Washington on April 14 and specifically placed him at the scene of the crime a few minutes before Booth shot Lincoln. Dye, a recruiting sergeant for the army in Philadelphia in 1867, had been stationed in Washington in 1865. He swore that he was in front of Ford's Theatre on the fateful evening and saw Booth there with two others, one of whom he now identified as Surratt. According to his testimony, on three occasions Surratt placed himself in front of Ford's Theatre in a position to see the clock, and each time announced the hour for his companions. The last time he did so was at 10:10 P.M.⁵⁴

Surratt's attorneys countered by calling to the stand an actor who testified that he was in front of the theater on April 14, along with a costumer and a stage carpenter. The actor was due in the theater for a patriotic song that would close the performance; the costumer checked the theater clock and warned him that it

51. *Surratt Trial*, 1:162–65, 2:1191.

52. Pitman, *Assassination of President Lincoln*, 144; *Surratt Trial*, 1:200–201.

53. *Ibid.*, 1:610–11.

54. *Ibid.*, 1:131.

was ten minutes past 10 o'clock—time for the actor to go back inside and prepare for the finale. The costumer and carpenter confirmed his account.⁵⁵ Merrick later discredited Dye in his concluding remarks to the jury by noting that the court had denied him the opportunity to present evidence that Sergeant Dye had been arrested in Pennsylvania for passing counterfeit money. He had been released on bail at the time he testified against Surratt but, Merrick noted, “the case was dismissed after he was examined here.”⁵⁶

William E. Cleaver, the District of Columbia jail inmate involved in Conover's efforts to persuade Surratt to commit perjury, also appeared at Surratt's trial, swearing that he, too, had seen the defendant in Washington on April 14. As a prosecution witness before the military commission, Cleaver had sworn that Booth and Surratt visited him on several occasions in early 1865, and that Booth had left word that Surratt was to be allowed the use of Booth's horse whenever he desired. At Surratt's trial, Cleaver added that he saw Surratt, whom he had known for ten or twelve years, in Washington, at about 4 P.M. on the day Booth shot the president. Surratt, he said, was on horseback and nodded in return when Cleaver greeted him.⁵⁷

Bradley quickly pointed out that Cleaver had neglected to offer this important fact at the earlier trial. When Cleaver admitted he had known in 1865 that Surratt was accused of being involved in Lincoln's murder, Bradley asked: “Then why did you not tell what you knew?” Cleaver responded that he “was well acquainted with Surratt and inclined to shield him.” Bradley snapped, “Yet you told them that he was with Booth at your stable; that he was there using Booth's horse; and you told them without being asked.”⁵⁸

“Doc” Cleaver was a veterinary surgeon who, in early 1867, got into serious trouble with the law, resulting in his incarceration. That is how he met Conover. He had been arrested upon the death of a young girl he was accused of raping. The justice of the peace who ordered him held for trial concluded that “there was no doubt that his act had caused her death.”⁵⁹ The case came before Judge Fisher, and Cleaver was convicted of manslaughter. Fisher denied a motion for a new trial, referring to the enormity of the offense for which Cleaver had been convicted, and sentenced him to five years in prison at the Albany penitentiary.

On the morning of June 8, 1867, a few days before the Surratt trial opened, the Supreme Court of the District of Columbia ordered a new trial for Cleaver. Cleaver testified at the Surratt Trial on June 20. Ten days later a Washington correspondent sent a dispatch to his Baltimore newspaper noting that Cleaver had been released on bail by Judge Fisher and that he had been “in the service of the pros-

55. *Ibid.*, 1:558, 565–66, 571.

56. *Ibid.*, 2:1180; *The Press*, June 23, 1867, p. 4.

57. Pitman, *Assassination of President Lincoln*, 71; *Surratt Trial*, 1:207.

58. *Surratt Trial*, 1:209.

59. *Washington Evening Star*, February 21, 1867, p. 2.

ecution procuring new evidence against Surratt.” The account reminded the paper’s readers that Cleaver had admitted speaking with Conover and Ashley, as well as claiming to have seen Surratt in Washington on April 14, 1865.⁶⁰

As noted above, in his testimony before the House of Representatives impeachment committee, Ashley admitted having had two interviews with Cleaver in the district jail. When asked if he had held out any inducement to Cleaver to furnish evidence, Ashley replied that his meetings with Cleaver referred to the Surratt trial, not to the committee’s concern with Johnson’s conduct in office. Ashley assured his colleagues that he had promised Cleaver to report any facts in Cleaver’s possession to prosecuting attorney Riddle, “and if the evidence was of value he [Cleaver] would undoubtedly be released.” Ashley further admitted that he had had “two or three” meetings with Cleaver since the latter’s release from jail. Ashley also stated his belief that Cleaver had been released by presidential pardon, that Riddle had presented the case to Seward who convinced Johnson to pardon Cleaver.⁶¹

Ashley was in error. James O. Hall, who has spent his lifetime examining documents connected with the Lincoln assassination, claims there is no evidence of a presidential pardon for Cleaver. Cleaver’s conviction was overturned on technical grounds and a new trial ordered. But the new trial never came off. Instead, the district attorney, on June 20, 1869, declined to prosecute it. Hall concluded there would have been no prior pardon by Johnson—“otherwise why drag the case along to June 30, 1869, only to drop it?”⁶²

At the end of his cross examination of Cleaver, Bradley asked if he had received “any offer of favor or reward” for his testimony. Cleaver answered that he had not, “from anybody.” Said Bradley, “Are you sure of that?” Cleaver replied emphatically, “Yes, sir, I have not from anybody.” In his opening statement for the defense, Joseph H. Bradley Jr., charged that Cleaver had stated that “he would never be brought to trial again, that there was a strong arm stretched over him for his protection, and state[d] to another man in all human probability he never will be tried again.”⁶³ Cleaver apparently had good reason for such confidence.

As the trial was drawing to a close, it was apparent that the prosecution had not presented a convincing case that Surratt was in Washington on April 14, enabling him to participate in Lincoln’s assassination. Train schedules and floods appeared not to be on the side of the government, and some prosecution witnesses who claimed to have seen the prisoner in Washington on that day—Jackson, Dye, Lee, and Cleaver—appeared to be untrustworthy and unconvincing. But an incident then occurred which, had it succeeded, might have cost Surratt his life.

60. *Baltimore Sun*, July 1, 1867, p. 4.

61. *Impeachment Investigation*, 1203–4.

62. The author to James O. Hall, June 16, 1987. The case was #481, DC.

63. *Surratt Trial*, 1:213, 539.

About six weeks into the trial, the *New York Herald* published a story filed by its Washington correspondent, claiming that someone had alerted defense attorneys that a conspiracy was afoot to furnish witnesses who would "strengthen the evidence of Surratt's presence in Washington" on April 14. The story claimed that five men had met at the National Hotel on July 25, 1867, and concocted "a mass of false evidence" that was to be presented to the court the next day. One of these schemers was to swear that he had sold a wig and clothing to Surratt on the day of the assassination; another was to assert that he had transported Surratt to Baltimore in his wagon after the deed was done; and a third would testify "as to Surratt's movements while in Baltimore" on the morning of April 15. After rehearsing their roles the men were to offer their services to the prosecution, "in the hope of being able to realize in a liberal manner either from the prosecution, for producing the testimony, or from the defence for withholding it." However, one of the plotters had gone to attorney Bradley and disclosed the plot. Forewarned, defense counsel intended to permit these witnesses to offer their testimony and then "have them arrested for perjury," but the other would-be witnesses discovered their confederate's "treachery" and "abandoned the enterprise."⁶⁴ According to the correspondent's next dispatch, the prosecution had also grown wary. These false witnesses were in Washington for several days and were "critically examined by Judge Pierrepont, who, suspecting their character, declined to accept their proffered testimony."⁶⁵

A second account of this incident offers an explanation as to why the cabal was never taken seriously. A year after the trial, Jerome Bonaparte Stillson, the *World's* special correspondent, wrote of an interview he had held with three gentlemen in Baltimore who were indirectly concerned with Lincoln's assassination. Benjamin Spandauer, the man responsible for assembling this group, was about twenty-two years old in 1867. Born in Bavaria, he was serving a two-year prison term for theft when he died in 1889. Spandauer's obituary quoted a Baltimore detective who described the decedent "as a mean, low confidence man, and had been arrested on numerous petty charges." That obituary erroneously identified Spandauer as "the main witness for the United States against Mrs. Surratt," but was closer to the mark in stating: "He also figured considerably, . . . as a detective in the employ of the government in the prosecution of John H. Surratt." His witnesses, the obituary continued, "were summoned to Washington and kept at the National Hotel at the government's expense for some time, but were never called upon to testify."⁶⁶

The day after this account appeared, John T. Ford, the owner of Ford's Theatre, gave the *Sun* his recollection of the Spandauer incident. He recalled that one

64. *New York Herald*, July 28, 1867, p. 5.

65. *Ibid.*, July 31, 1867, pp. 4, 8.

66. *New York World*, October 17, 1868, p. 1; *Baltimore Sun*, August 9, 1889, Supplement, p. 2.

of the schemers, a fellow member of the Odd Fellows, visited him while Ford was serving as foreman of the grand jury in Baltimore and told him of the plot. The next morning, Ford went to Washington and found Spandauer's name registered at the National Hotel, along with those of "important witnesses at the Surratt trial," then in progress. Ford recalled that he sought out Surratt's attorneys and warned them. He added that "Spandauer was to be seen constantly hovering about the office of the United States district attorney."⁶⁷

Much of this version of the events and participants is consistent with the account reported earlier in the *Herald*, which also had stated that Pierrepont had listened to the Spandauer claim but declined to call those witnesses. It is not unreasonable to suspect that his failure to charge the plotters with attempted perjury was an effort to protect somebody in the district attorney's office involved in planning this scheme.

When Pierrepont concluded the final summation of the prosecution's case, Judge Fisher presented his instructions to the jury. His performance indicated his partisan leanings. He had ruled that testimony pertaining to Lewis Payne's attack on Secretary of State Seward and Atzerodt's preparations for an assault on the vice president should stand. These actions, in his judgment, were part of an assassination plot aimed at destroying the U.S. government, and they tended "to prove that there was a conspiracy" to kill the president and "other heads of the government." Similarly, he allowed the jury to hear testimony concerning Surratt's alleged involvement in the massacre of Union prisoners of war, on the grounds that such evidence could demonstrate malice on the part of the prisoner toward the government. He ignored the defense argument that Surratt had been indicted for killing only one individual—Lincoln. Bradley could only reserve an exception to these rulings. Fisher dismissed the complaint of defense counsel that more than 150 exceptions had been taken to his rulings on the admissibility of evidence. "If counsel will be so bold as to present propositions to the court which every tyro in the profession ought to know are untenable," he said, "it does not necessarily follow that the judge must always be so weak as to sustain them." Exceptions, he noted were made to be presented before a higher court hearing an appeal. "I have never before known them to be neatly calculated and presented to the jury by way of argument."⁶⁸

Fisher began his instructions to the jury with a scriptural justification of capital punishment. Quoting the Almighty's words to His servant Noah—"Who so sheddeth man's blood by man shall his blood be shed"—Fisher continued, "This is God's own law," and its wisdom was "acknowledged by all civilized nations," even though some "sentimental philosophers deem it their duty to lift up their voices in condemnation of the fiat of Jehovah." Although these "pernicious doctrines" had

67. *Ibid.*, August 10, 1889, p. 4.

68. *Surratt Trial*, 2:1072–73, 1376.

made few converts, they had at times succeeded in creating in the minds of "honest and tender-hearted people" a "morbid sentimentalism" which allows them to hear only the plea of mercy, "forgetting that mercy to the guilty is injustice to the innocent." He expected these jurors to have nothing whatever to do "with such sentimentality."

Next, Fisher undermined the defense's contention that Surratt was not in Washington, or near enough to the scene of the murder to have taken part in the plot by rendering material aid to Booth. That argument, he cautioned, was "always held in little favor by the courts and juries," for it was a line of defense most easily supported by perjury. It also involved times, for which mistakes were easily made, enabling "honest and truthful witnesses" to be "mistaken" concerning the precise time — "in reference either to days or hours." He conceded that once clearly established to the satisfaction of the jury, an alibi "constitutes the most complete defence" but added, "an honest and sensible jury cannot fail to regard it with suspicion," unless the alibi satisfies them of the prisoner's absence from the scene of the crime. He ended this section with the comment that "an unsuccessful attempt to establish an *alibi* is always a circumstance of great weight against a prisoner.

Fisher neglected to remind the jury that prosecution witnesses who claimed to have seen Surratt in Washington on April 14 could have also been "mistaken" as to "precise time." Instead, he advised them that any conspiracy formed during war-time to murder the country's leaders "for the purpose of aiding the enemies" of the government was treason. "Every person engaged in such conspiracy is responsible for this treason, and any murder which may flow from it in its prosecution." Under an indictment resulting from such a plot "evidence of the entire scope of the conspiracy may be considered in estimating the heinous character of the offence laid in the indictment." Thus did Fisher respond to Bradley's claim that the case involved the indictment's charge accusing Surratt of murdering one Abraham Lincoln. Supporting the prosecution's argument that even if not in Washington on April 14, Surratt was involved in the assassination plot while in Elmira. Fisher told the jury that an alibi could not save the prisoner if he were at "some other place assigned him performing his part in that conspiracy." Presumably alluding to the testimony of Ste. Marie, who had claimed that Surratt admitted having been with Booth at the time of Lincoln's murder, Fisher instructed the jury that a confession in the slightest degree tainted "by duress or fear, is not admitted as evidence against him, but if made freely or voluntarily is one of the surest proofs of guilt."⁶⁹

In reviewing the trial, the *New York Times* rightly commented that the prosecution had attempted to hold Surratt accountable for "treason and revolt." Although the indictment charged Surratt with taking Lincoln's life, the prosecution

69. Ibid., 2:1366–68, 2:1374, 2:1378, 1:492, 2:1378.

had connected his alleged guilt with "the imputed wickedness of the rebellion." Candor, the *Times* added, compelled it to conclude that Judge Fisher seemed to have agreed with the prosecution's design to connect the murder with the horrors of the Civil War. Defense counsel had argued that the indictment spoke only of the murder of Lincoln as an individual; hence the killing of the president was no worse than the murder of a common citizen. The *Times* believed there was no necessity for the judge to dwell on the crime of treason in killing a ruler. "Judge Fisher's bias," the *Times* had editorialized on the previous day, "has been as evident as the bad taste and feeble logic of his final charge."⁷⁰

The *New York Herald* found Fisher's charge "difficult to characterize." It began with a discussion of the propriety of capital punishment—presumably accepting that "not the prisoner's guilt," but whether "he should be hanged" was in question. "Sentimentalism," that idea opposing capital punishment, should not be allowed to "save his life." "We need not dwell," continued the editorial, "on the glaring impropriety of mooted such a point to the jury that had yet to determine the man's status before the law."⁷¹ The same editorial criticized Fisher's "bad taste" in speaking to the jury of the "wickedness of the rebellion," in an apparent attempt "to fortify the Unionism as well as the hanging purposes of the jury before taking up the prisoner's case." Fisher warned that if the evidence had produced in the jurors' minds "a moral conviction" of the prisoner's participating in the murder—or any of the acts leading up to it—they must do their duty. The editorial concluded that in addition to these "curiosities" to furnish a charge, "some very novel citations of cases were made, such as the Book of Kings—a good book, no doubt, but not often quoted as an authority in criminal jurisprudence."⁷²

Fisher's interference with the sentencing of Conover and Cleaver, at the behest of Ashley and Butler, also indicate an obvious bias against Surratt. It is also noteworthy that when Bradley entered the streetcar on the last day of the trial to hand Fisher a note that read like a challenge to a duel, he found Major Montgomery seated next to the judge.⁷³

Certain of Fisher's partisanship, Bradley displayed impatience with several witnesses whose testimony he believed was perjured, which only drew greater

70. *New York Times*, August 11, 1867, p. 4; August 12, 1867, p. 4.

71. *New York Herald*, August 9, 1867, p. 4.

72. *Ibid.*

73. *Washington Evening Star*, August 15, 1867, p. 3; *New York Times*, July 17, 1875, p. 1 and June 11, 1889, p. 4; September 18, 1875, p. 1; *Washington Evening Star*, July 16, 1875, p. 1; July 22, 1875, p. 1. The *New York Tribune* (July 17, 1875, p. 6.) observed that "few persons have done more to obstruct the administration of justice at the capital than District-Attorney Fisher."

Fisher left the bench in 1870 when President Ulysses S. Grant named him the District of Columbia's U.S. attorney. This proved to be one of those unwise appointments that marred Grant's administration. Reports began circulating in the press in 1875 that Fisher's resignation was being requested by the then U.S. attorney general, the same Edwards Pierrepont who had been an associate prosecutor in the Surratt trial. The U.S. postmaster general was unhappy over the careless prosecution of mail fraud

wrath from the judge. The high point of Bradley's dissatisfaction occurred on July 1, with Dr. McMillan on the stand. McMillan recalled that Surratt had once told him of an incident in which he was crossing the Potomac in a boat with several Confederates. Spotted by a Federal gunboat, they were ordered to surrender or else be fired upon. They immediately signaled they would surrender, but when a boarding crew came alongside, they fired into them and escaped to shore. When Merrick asked who fired at whom, McMillan replied that he would tell the counsel who, if "not deaf," could hear. He then repeated his answer, adding that Merrick had previously insulted other witnesses, the "act of a coward and a sneak." Fisher cautioned McMillan that such language was not becoming but added that "it was not becoming in counsel to try to worry witnesses into bad temper." McMillan then stated that Merrick had remarked a few days before that "all the witnesses in the adjoining room ought to go to the penitentiary, or something to that effect." He added that he was "just as good as Mr. Merrick."⁷⁴

At the beginning of the next morning's session, Bradley addressed the court in reference to McMillan's remarks concerning Merrick, requesting that the reporter's notes be read to show what had occasioned McMillan's attack on his colleague. He explained to Judge Fisher that his honor "was very much occupied at the time" and censured Merrick perhaps without realizing that "no provocation was given." A reading of what had transpired showed, in Bradley's words, "that the attack was unprovoked and that some notice should be taken of what then passed," in order to protect members of the bar.⁷⁵

Fisher conceded that he had not heard McMillan's remarks—he was then busy "preparing some passes for a friend." He could find nothing in the record "which justifies the expression of the witness." Fisher warned McMillan that he did not enjoy the privilege "to take exception in the way he did to any remark made in the court-room."⁷⁶

cases conducted by Fisher's office; the treasury department was convinced that Fisher was not "vigorous" enough when dealing with its concerns; the war department charged that Fisher had given it an "erroneous opinion" concerning title to a parcel of land it had purchased; and additional complaints reached the desk of the attorney general from members of the Washington bar and the general public. Pierrepont finally asked for Fisher's resignation. Other reports in the press suggested that cash payments were improperly made to Fisher. One item reminded the public that five assistant district attorneys appointed by Fisher had been forced to resign because of charges brought against them.

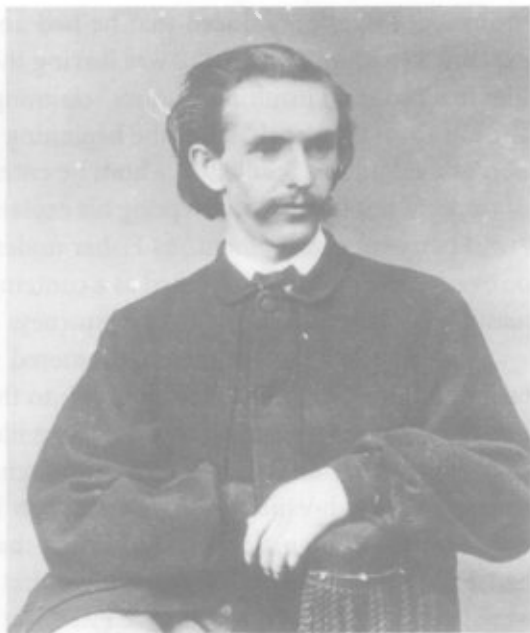
After leaving office Fisher retired to Delaware, but made a surprising comeback during the Harrison administration. Despite the earlier scandals, he had enough political clout to receive the patronage support of a powerful Delaware senator and was appointed first auditor of the treasury in 1889. Referring to this surprising appointment, one editorial complained that "the First Auditor of the Treasury ought, other things being equal, to be an honest man and known to be one." Fisher remained in that office during the rest of Harrison's term. *New York Times*, July 17, 1875, p. 1; *Evening Star*, July 16, 1876, p. 11, July 22, 1875, p. 1; *New York Tribune*, July 17, 1875, p. 6.

74. *Surratt Trial*, 1:468.

75. *Ibid.*, 1:469.

76. *Ibid.*

John H. Surratt Jr. (Courtesy Surratt House Museum.)



He then turned on defense counsel, saying that he had never seen witnesses “cross-examined with so much asperity” as in the Surratt case. It was not surprising, in Fisher’s view, that witnesses were concerned when defense counsel uttered comments about their fitness for the penitentiary, when such prominent citizens as General U. S. Grant and Assistant Secretary of State Frederick W. Seward were among their number. Merrick objected that he did not embrace all witnesses in his remark about the penitentiary. “No sane man,” he said, “can suppose that I meant any such reference to General Grant, Mr. Seward and Mrs. Seward.” But Fisher had the last word. He stated that both counsel and witnesses should be standing up and facing each other during examinations. Counsel should not direct his remarks to the jury “by turning towards them instead of turning toward the witness.”⁷⁷

When the court adjourned that afternoon, Bradley went up to Fisher and asked what he meant by censuring defense counsel. Fisher replied that he had uttered all the explanation he intended giving and walked away. Bradley followed him, and both men indulged in strong language. Officers of the court separated them before a blow was struck. Precisely what each said is impossible to reconstruct.⁷⁸ The next morning the trial resumed as though the ugly encounter had never occurred, but the incident was not forgotten.

On the last day of the trial, August 10, 1867, after the deadlocked jury had been

77. *Ibid.*, 1:470–71.

78. For an account sympathetic to Fisher, see *New York Tribune*, July 3, 1867, p. 1. Bradley presented his version before the Supreme Court of the District of Columbia, as reported in the *Evening Star*, November 9, 1867, p. 3.

dismissed, Fisher announced that he had an "unpleasant duty to discharge." He explained that on July 2, as he was leaving the court room, Bradley had "accosted him in a rude and insulting manner," claiming that the judge had subjected him to "insults from the bench" since the beginning of the trial. Fisher denied any intention of denigrating Bradley, of whom he entertained "no other feelings than those of respect," but instead of accepting his explanation, Bradley had threatened Fisher "with personal chastisement" as Fisher understood him. Such conduct could not be overlooked or "go unpunished as a contempt of court." Fisher ordered Bradley's name "be stricken from the roll of attorneys practicing in the court."⁷⁹

As Fisher left the building and entered the horse-drawn trolley that would take him home, Bradley followed him into the car and handed him a note. Dueling, or challenging a person to a duel, was illegal in the District. *The Evening Star* commented that although "not a formal challenge," Bradley's message was "an invitation for a hostile meeting." Although handed to Fisher on August 10, the note was dated August 6, 1867, indicating that it would have been delivered even had Fisher not disbarred Bradley. Now that the trial had ended and both men were "at liberty," it requested that Fisher let Bradley know, as soon as possible, "when it will suit you to meet me out of this District, that we may arrange . . . the points of difference between us."⁸⁰

The issue of Bradley's disbarment came before the District's supreme court on September 4. Bradley had been summoned to show cause why he should not be "punished for contempt." Chief Justice Cartter and Associate Justices Olin and Wylie were on the bench; Justice Fisher did not participate. After hearing Bradley's arguments, the court eventually concluded that his actions smacked of an attempt to intimidate the judge. Cartter, speaking for the court, agreed that his note to Fisher was not intended as a challenge, as Bradley had explained to the court; the note could have been interpreted as a response to a Fisher challenge. Cartter explained that others, including Fisher, could be excused for understanding it as a formal challenge. Nevertheless, the court did not base its decision, in Cartter's words, "upon that paper" but found Bradley's altercation with Fisher serious enough to warrant his being "dismembered from the bar of this Court."⁸¹

Bradley appealed this decision to the United States Supreme Court, which agreed with him. The 1863 federal statute establishing the District's Supreme Court made it a "different court from the criminal court." Hence, the District's high court had "no power to disbar an attorney for contempt" for his actions in a separate court. Fisher's decision dismissing Bradley from the criminal court could stand, but not his disbarment by the District's Supreme Court.⁸²

79. Ibid., August 10, 1867, p. 8.

80. Ibid.; *New York Times*, August 15, 1867, p. 5.

81. *Washington Evening Star*, November 9, 1867, p. 3.

82. "Ex parte Bradley," 7 Wallace (1868), 364-86. Bradley subsequently sued Fisher for \$20,000 for

The jury in the Surratt trial retired to reach a verdict at 11:32 A.M., on August 7, 1867, and three days later the court reconvened at 1 P.M. The jury could not decide. The foreman's note stated that the jurors "stand precisely now as when they first balloted upon entering the room" and requested that the judge dismiss the jury. As there appeared no likelihood of a verdict, Fisher "directed the jury to be discharged." Surratt was then not freed but "remanded to the custody of the marshal." Though no decision had been reached in the matter of the first indictment, the prosecution was laying plans to secure a new one.⁸³

According to a newspaper reporter, the jury said that "if the prisoner had been indicted for conspiracy to murder they would have unanimously convicted him," but they could not agree "that he was, as alleged in the indictment, present aiding and abetting the murder." Another paper, commenting later on the government's plan to bring in a new indictment, observed that "it is extremely doubtful whether Surratt was actually present at the time the murder of Mr. Lincoln was committed."⁸⁴ Evidence placing Surratt in Elmira at the time Lincoln was shot was obviously a strong deterrent to trying him on the original indictment.

"The Prisoner is Discharged"

After a year's delay, during which time Surratt remained in jail, District Attorney Carrington had a grand jury return a new indictment, this one charging Surratt with involvement in a conspiracy against Lincoln. The claim that he was directly involved in the murder was not included. Carrington based this indictment on a law passed by Congress, July 17, 1862, providing that any person engaged in rebellion or giving aid and comfort to those involved in rebellion, if convicted, was subject to a prison term up to ten years, or a \$10,000 fine.⁸⁵

On June 22, 1868, Surratt was back in court for his next trial. Pierrepont was no longer there to assist Carrington, but the other members of the original prosecution—Assistant District Attorney Wilson and Riddle—again were present. Merrick and Bradley's son represented Surratt. Judge Andrew Wylie was now on the bench in place of Fisher.

maliciously depriving him of that amount of income by ordering him disbarred. That case also made its way to the U.S. Supreme Court, but this time the court sided with defendant Fisher, agreeing with a lower court that the judge did not have to pay Bradley. The judge could not pass over in silence a threat by counsel of personal chastisement "for his conduct on the trial." (*Bradley v. Fisher*, 13 Wallace (1871), 324–57.) In 1870, the year Fisher left the bench to become the District's federal attorney, Congress changed the independent character of the criminal court, connecting it formally with the Supreme Court of the District of Columbia. On September 28, 1874, Chief Justice Cartter again presiding, the District Supreme Court approved unanimously a request from members of the D.C. bar that Bradley be reinstated. The court considered, said Cartter, that "whatever had passed had been abundantly atoned for," and that Bradley should be welcomed "with pleasure" as a member of the bar. See *Congressional Globe*, 41st Cong., 2nd Sess. (1870), 668; *Congressional Record*, 43rd Cong., 1st Sess., January 29, 1874–March 5, 1874, Vol. II, Pt. II, 1846–47; and *Evening Star*, September 28, 1874, p. 2.

83. *Surratt Trial*, 2:1379.

84. *New York Tribune*, August 12, 1867, p. 1; *Evening Star*, June 18, 1868, p. 1.

Carrington began by referring to the new indictment, which was read, and then, as directed, Surratt rose and pleaded not guilty to the new charge. Carrington said he was ready to proceed, but Merrick announced that the defense had prepared to defend Surratt against "the first indictment for murder." The government, he argued, should dispose of the earlier indictment if it did not intend to try him on it. Carrington responded that prosecutors had always enjoyed the right of determining in what order to take up indictments, and he should be allowed the exercise of this privilege.⁸⁶

Judge Wylie agreed with Carrington in principle but observed that when the court set the date for this trial, the first indictment was pending, "and therefore there was no choice allowed the District Attorney." "That indictment," the judge ruled, "must be gotten out of the way or you must try it." When Carrington protested that the prosecution was not ready to try the first indictment, Wylie replied that if the prisoner could not now be tried for murder, "it would be unjust to confine him to jail." He could not "close his eyes to the fact that the accused had one trial by one of the best juries ever empaneled." Carrington insisted that he could not enter a *nolle prosequi*, a statement abandoning the government's intention to prosecute under the original indictment. Wylie then announced that he would discharge Surratt under the indictment for murder. Entitled to the same rights as any other prisoner, he had had a trial and had not been convicted. Wylie could not presume him to be guilty.⁸⁷

Carrington then moved to proceed with the trial upon the conspiracy indictment, and Merrick again complained that defense counsel were not prepared for the new charge and had other duties which might prevent them from acting any further for Surratt. They were ready to represent him at this court appearance but asked for time for the prisoner to obtain new counsel. The court decided to postpone the issue for a week, during which time Surratt was released on bail of \$20,000.⁸⁸

When the court reconvened on June 29, Merrick asked for a continuance, explaining that the prisoner, without funds, was unable to engage counsel. Surratt had approached other attorneys but had not as yet received a reply, although "a favorable response was expected."⁸⁹ Carrington opposed any further postponement.

Judge Wylie inquired if the prosecution was ready "to try him in the indictment for the murder of President Lincoln," adding that Surratt was now in court and "ready I presume to proceed to trial." The defense was indeed prepared, Merrick offered and, turning to Carrington, asked: "Do you intend to try the first indict-

85. *New York Times*, June 23, 1868, p. 4; *Congressional Globe*, 37th Cong., 2nd Sess. (1862), Appendix, 412.

86. *Evening Star*, June 22, 1868, p. 1.

87. *New York Times*, June 23, 1868, p. 1.

88. *Ibid.*; *Evening Star*, June 22, 1868, p. 4.

89. *New York Times*, June 30, 1868, p. 5.

ment or not?" Carrington replied that he first had to consult with his colleagues but wondered if the prisoner would be prepared to go to trial on the conspiracy charge to abduct the president if the government entered a *nolle prosequi* on the first indictment. Merrick answered that he had other engagements just now but was willing to proceed to trial by September 15, at a special term of the court. Judge Wylie postponed the case until September 21.⁹⁰

At Surratt's September 21 appearance in court, Carrington announced that after consultation with his aides, as well as with the acting U.S. attorney general, he wished to enter a *nolle prosequi* on the first indictment. Wylie approved the motion, and Surratt's indictment for Lincoln's murder was dropped. He now would be tried for conspiring to give aid and comfort to the enemy. Defense attorneys then stated that the district attorney's motion had caught them by surprise, and asked for a day's postponement to file a special plea. Court adjourned until the following morning.⁹¹

The next day Surratt's attorneys introduced a motion claiming that their client's status fell under President Andrew Johnson's recent (July 4, 1868) amnesty proclamation, granting amnesty to those who had taken part in the rebellion, excluding "such persons who may be under presentment or indictment in any court of the United States . . . upon a charge of treason or other felony." Defense claimed that at the time Johnson's proclamation was issued, Surratt was "solely under indictment for murder at common law, and not for treason or felony." The prisoner was therefore entitled to benefits granted in the proclamation. The prosecution demurred, arguing that the president's amnesty did not "apply to or affect the offence and offences" charged in the indictment. Judge Wylie sustained the prosecution's demurrer.⁹²

The following day, Merrick called for the defendant to be discharged. He cited the Act of Congress, April 30, 1799, providing that no person should be prosecuted for any offense "not capital," unless indicted within two years from the time of the crime excepting "any person or persons fleeing from justice." Wylie found the language of this statute "clear and strong." It was "not possible to misunderstand it. The indictment was not found until more than two years after the alleged offence was committed. It contains no affirmation that during the intervening period the defendant had fled from justice." Surratt had indeed fled to Europe, but the government's failure to cite that fact left him entitled to protection under the statute of limitations. Wylie concluded that "judgment must be given for the defendant."

Carrington, probably furious, asked that the full Supreme Court decide this important issue in law, but Wylie retorted that he was "not in the habit of certify-

90. Ibid.

91. *Evening Star*, September 21, 1868, p. 4.

92. Jonathan T. Dorris, *Pardon and Amnesty under Lincoln and Johnson* (Chapel Hill: University of North Carolina Press, 1953, 1977), 345; *New York Times*, September 23, 1868, p. 1.

ing to another Court." If the district attorney wished, he could appeal. Wylie then discharged Surratt, who by this time must have been benumbed. Carrington offered to prepare another indictment that would meet the views of the court, and Wylie said he could have Surratt rearrested on the charge "when the Grand Jury shall again sit." But, Wylie added, he had no "judicial knowledge about Surratt having been absent from the country." According to the record the "alleged crime was committed more than two years ago." In that case he could not be prosecuted. "The court," he said, "had no right to hold Surratt to bail."⁹³ Surratt was for the moment free.

Carrington appealed the decision to the District's Supreme Court. On November 6, 1868, that court ended Surratt's trials, holding that the government "has no right to appeal . . . in a criminal case where judgment was rendered in favor of the prisoner, and the prisoner is discharged." An unsympathetic newspaper remarked: "This is the end of the Surratt case."⁹⁴

Two years later, Surratt attempted to use the lecture circuit to defend his role in the events that had brought so much grief to his family and the nation. On three known occasions he explained that he was prepared at the trial to show that he had gone to Elmira from Montreal at the request of Brig. Gen. E. G. Lee, C.S.A. to judge the feasibility of a raid to free Confederate prisoners held there. Fisher, he said, had refused to allow this testimony. He also used these lectures to explain that while hiding in Canada, he was assured by his friends, who also kept unfavorable newspaper accounts from him, that his mother was in no difficulty at the ongoing conspiracy trial. When he learned of his mother's death sentence from an old newspaper, he told one of his friends, "I may forgive you, but I can never forget it."⁹⁵

He held his first lecture at Rockville, Maryland, on December 6, 1870, the second on the following evening at the Cooper Union Institute in New York, and the third in Washington on December 30. The public was unsympathetic, uninterested, or both. The *New York Times* announced with some glee that what it considered an "outrage upon public morals and public taste" was given before a "beggary array of empty benches" in New York. Similar denunciations appeared in Washington's *Evening Star* as well as such Democratic newspapers as the *Cincinnati Enquirer* and the *New York World*.⁹⁶

In 1872, John H. Surratt married Victorine Hunter, a member of the Francis

93. *Ibid.*, September 25, 1868, p. 1.

94. 6 D.C. (1 Mackey) 306 (1868); *New York Tribune*, November 7, 1868, p. 1.

95. Louis J. Weichmann, *A True History of the Assassination of Abraham Lincoln and the Conspiracy of 1865*, ed. by Floyd E. Risvold (New York: Alfred A. Knopf, 1975), 428-41. For the Lee incident at the trial, see Merrick's summation, *Surratt Trial*, 2:1166.

96. *New York Times*, December 10, 1870, p. 4. The Rockville lecture which originally appeared in the *Evening Star*, December 7, 1870, and an editorial in that newspaper of December 16, 1870, discussing the condemnation in the Democratic press, was reprinted in Weichmann, *True History*, as noted

Scott Key family, and lived the rest of his life in Baltimore, where he became general freight agent and auditor of the Baltimore Steam Packet Company. He retired in 1914 and died at his home less than two years later.⁹⁷

above. For Surratt's December 30 Washington lecture, see the notice of this meeting, *Broadsides Portfolio*, 205, No. 62, Rare Book Room, Library of Congress. Weichmann reprinted (441–52) from the *Washington Post*, April 3, 1898, an interview that Surratt allegedly gave to reporter Hanson Hiss. This account contains enough obvious errors to cause one to doubt its value. Either Surratt had forgotten the details of what he experienced during those fateful years, 1865–68, or Hiss possessed a livelier imagination than desirable in a conscientious reporter.

97. *New York Times*, April 22, 1915, p. 11; Levin, "Who Hid Surratt?" 184.



Jousting and the Evolution of Southernness in Maryland

KELLEY N. SEAY

Late nineteenth-century Maryland newspapers abounded with illustrative accounts of jousting tournaments. “The big field fairly teemed with life and sparkled with color,” one account began:

Long lines of carriages filled with beautiful women, whose eyes beam with love and pleasure as their gallant favorites, clad in armor, enter the barriers and ride hither and thither on richly caparisoned steeds. The trumpet blew out a challenge, the drummer gave a scientific trill; ‘Knight of Bella Vista,’ shouted the Chief Marshal; ‘Knight of Bella Vista,’ repeated the heralds, passing the command down the line; ‘Charge! Sir Knight!’ shouted the Chief Marshal; ‘Charge! Sir Knight!’ echoed the heralds, and down the avenue came the Knight of Bella Vista, mounted on a small iron-gray steed, which he spurred into a full gallop as he neared the rings; now poising his lance, he neatly takes the first ring but misses the second. The band blows a triumphant strain, and the ladies and gentlemen applaud.¹

Spectators at such events applauded not only the pageant unfolding before them, but also the deeper cultural values the event expressed. Some who participated in and attended jousting tournaments sought to create and assert what they believed to be a southern identity, steeped in romanticized southern culture. Within this culture, the emphasis on specific southern values shifted over the years and on examination reflects a malleable definition of regional identity—an identity subject to the influence of the different groups of men and women who participated in jousting tournaments through the formative decades of the sport’s popularity.²

In 1865, *Harper’s Weekly* recognized the popularity of the tournament, proclaiming that it “bids fair to become a popular amusement, and may eventually become a national sport.” Although jousting never did achieve such high status, it

This article is adapted from the author’s master’s thesis at the University of Virginia.

1. *Baltimore Sun*, August 3, 1900; *Harper’s Weekly*, December 4, 1869; *Baltimore American*, October 25, 1870.

2. The author is not as concerned with the reality of southern culture as with what was perceived to be southern. Although specific values discussed here may not have been exclusive to the South (nor is it suggested that they were), the perception at the time that they were southern is most important for the purposes of this study.

Opposite: Detail from “A Modern Tournament,” Harper’s Weekly, December 4, 1869.

did emerge as a particularly regional pastime. In 1897 one writer proclaimed that it "may be fitly termed the national sport of the South." More specifically, jousting was especially popular in the border states and would eventually become the official state sport of Maryland.³

Maryland's identity—before and after the Civil War—was a particularly divided one. Neither entirely northern nor wholly southern, many Marylanders struggled to achieve a more definite collective sense of self. The development of tournaments between 1840 and 1910 reveals the state's evolving sense of southernness over the course of the nineteenth and early twentieth centuries.

Three periods of jousting in Maryland elucidate the shifting cultural identities of the border state; the antebellum decades between the late 1830s and the 1850s, the late 1860s and 1870s, and the turn of the century, primarily the late 1880s–1910s. The earliest era reflects the beginnings of the pastime's revival in Europe, Virginia, and Maryland. Jousting gained in popularity after the Civil War, possibly because, during the war, non-Maryland Confederates increasingly viewed Marylanders as "submissionists" who did not expel the "invaders" and rise up to join the Confederacy. During the war, "Southerners began constructing a Confederate identity that threatened to exclude those from the border states." Consequently, in the postwar period some Marylanders saw jousting as one way to reaffirm their southern identity. Thomas E. Will has argued in these pages that some Marylanders asserted their Confederate identity in response to their "state's deteriorating image in the Confederate South."⁴ Jousting and the affinity to the Old South traditions it expressed may have been one way in which Marylanders attempted to repair their deteriorating image.

As Marylanders struggled to understand the postbellum world and their place in it, many looked to a romanticized past and identified with a seemingly unchanging, stable, southern culture. Jousting tournaments served as one means to attach Marylanders to that romanticized southern past, one that embraced the values of the antebellum, slaveholding elite. Yet, by the turn of the twentieth century, Marylanders—and their jousting tournaments—had changed. The increasing popularity and publicity of the tournaments began to threaten many of the very values that traditionalists had expected jousting to protect. In the process, Marylanders infused jousting with new and different meanings, even as they defined and redefined southernness. Tournaments came to symbolize not the decline of tradition but the coexistence of the old fashioned and the modern. In that

3. *Harper's Weekly*, October 7, 1865; Hanson Hiss, "The Knights of the Lance in the South," *Outing Magazine* (Oct./Nov. 1897): 339; *Harper's Weekly*, December 4, 1869. Jousting became the official state sport of Maryland in 1962 (Chapter 134, Acts of 1962; Code State Government Article, sec. 13–308).

4. Thomas E. Will, "Bradley T. Johnson's Lost Cause: Maryland's Confederate Identity in the New South," *Maryland Historical Magazine* 94 (1999): 5, 12–13, 10.

regard the history of jousting in Maryland represents the intersection of the Old and New South.

Nineteenth-century jousting did not involve two knights on horseback charging one another with lances, a version popular in Europe during the Middle Ages. Rather, it consisted of one knight charging down a field attempting to spear a lance through a set of small rings suspended beneath arches placed throughout the course. The *Alexandria Gazette* explained:

A Ring, properly adorned, will be suspended opposite the seats of the Judges, nine feet from the ground; which each champion will essay to transfix with his lance in knightly style, and bear away in chivalric triumph, each champion to commence his course at the sound of the bugle, at a distance not less than 75 yards from the Ring; and he shall have three trials of his skill and prowess, and shall ride at full speed.

The knight's goal was to capture three rings, each measuring about an inch and a quarter in diameter, during each of his three runs, the time for the run usually being between eight and eleven seconds. The knight who captured the most rings was declared the winner and awarded the privilege of crowning his lady of choice as the "queen of love and beauty." Competitors who won second, third, and fourth place also crowned their maids of honor.⁵

Before each contest began, knights formed "in columns of twos, each with his lance resting on his right foot; and, preceded by four heralds and a trumpeter, enter[ed] the lists and line[d] up in front of the stand taken by the Knight Marshal of the Tourney." The marshal then charged the knights to obey the rules governing the event. Hanson Hiss, writing for *Outing Magazine* in 1897, explained that the charge was "always a golden opportunity, never missed, for fervid oratory, delicious flights of romantic fancy, and flattering allusions to the brilliant assemblage of youth and beauty." After the contest and the crowning of the queen and maids of honor, the marshal delivered the coronation address, teeming with "flattering allusions to the fair ones of the royal set, coupled with stirring praise of the prowess of the victorious knights." The day's events usually concluded with a feast and an evening ball.⁶

The driving force behind these tournaments in the antebellum period was the Gothic and romantic revivalism that swept across Europe and America at the beginning of the nineteenth century. Fascination with an imagined Middle Ages served "as a vehicle for expressing a sense of continuity from the past, through the

5. *Alexandria Gazette*, September 14, 1841, quoted in G. Harrison Orians, "The Origin of the Ring Tournament in the United States," *Maryland Historical Magazine* 36 (1941): 271; Hanson Hiss, "Knights of the Lance," 340.

6. Hiss, "Knights of the Lance" 340, 341.



"A Maryland Tourney: Riding at the Quintain." This silhouette is probably a rendering of the tournament William Gilmore hosted at his Baltimore County estate, the Vineyard, in 1840. (Private collection, copy in the collections of the Maryland Historical Society.)

present, to the future." Imitating the styles of a European past also legitimized the leadership of America's elite and helped the uncertainties of the nation's future seem more predictable. The connection to a romanticized perception of a timeless and stable European past offset the instability of the young United States.⁷

Romantic revivalism was not confined to the South, but its effect there was more pronounced than in other regions of the nation. The writings of Sir Walter Scott, especially, had deeper meaning for southerners because, as Rollin Osterweis has observed, most audiences read Scott's works "with enthusiasm but the South sought to live them." Southerners embraced Scott because his novels convinced them that chivalric values, including courtesy, deference to women, hospitality, honor, and consideration for social inferiors still thrived.⁸

Although Scott was popular in the American South, the first revival of medieval tournaments took place in Scotland on the estate of the Earl of Eglinton. The Eglinton tournament promised to be a grand affair but was met with much skepticism by the American press. With the exception of a short and discouraging notice in the *Baltimore Sun*, Maryland newspapers ignored the event. Plagued

7. Alice P. Kenney and Leslie J. Workman, "Ruins, Romance, and Reality: Medievalism in Anglo-American Imagination and Taste, 1750-1840," *Winterthur Portfolio* 10 (1975): 163.

8. Osterweis, *Romanticism and Nationalism*, 215, 217.

with financial problems, the tournament ultimately failed when a heavy rain prevented the competition from proceeding as planned. Ian Anstruther, author of the only full-length contemporary study of the Eglinton tournament, described additional consequences of the tournament's failure. It was the first and the last of its kind, he explained, because in the British Isles, "the right conditions never appeared again." Tournaments were not only expensive, but "all the feelings in the world for the days gone by and the deeds of chivalry were never enough in later decades to animate even the richest enthusiasts to follow Lord Eglinton's example." That was undoubtedly true in Britain, but the right conditions abounded in the South and would eventually make their way to Maryland.⁹

One of the wealthiest Maryland enthusiasts to follow Lord Eglinton's example was William Gilmore, who attended Eglinton's tournament and brought the experience back to the Vineyard, his estate in Baltimore County, where he held a similar joust in 1840. A private affair, the only surviving sources to describe the event were written several years later, presumably based on the reminiscences of participants or spectators. Hanson Hiss's *The Knights of the Lance of the South* (1897), an article in the *Baltimore American* of 1905, and an 1841 silhouette seem to be the only three accounts of the tournament. The silhouette is likely a depiction of Gilmore's tournament. Signed "T.F.H., 1841" and privately owned, the image depicts eight knights on horseback preparing to ride at the quintain. One has already begun his charge. To the right of the knights, in the stands, a lady waits to crown the victor. Three gentlemen make up the audience in the foreground, and carriages of spectators are lightly sketched in the background. The focus of the silhouette is on the knights, the spectators forming the periphery.¹⁰

Hanson Hiss provided the most complete account of the Vineyard tournament, referring to its "elaborate scale" and the distinguished spectators invited to witness it. He described the knights' costumes as "handsome and costly" and asserted that the competitors "aimed to impersonate in dress, as far as possible, the knights of the Eglinton Tourney." Hiss noted that "the Vineyard Tourney set the fashion for this species of manly sport," and the *Baltimore American* proclaimed Gilmore the "godfather of the Maryland—indeed, the Southern—tourney."¹¹

Despite this praise, few tournaments took place in antebellum Maryland after the Vineyard event. Marylanders seemed to have had mixed feelings about tournaments and were equally ambivalent about the more popular tournaments held at the Virginia Springs throughout the 1840s and 1850s. After the Civil War joust-

9. *The Spirit of the Times* (New York) expressed some excitement over the tournament but also mocked the revival of the chivalric ideal in an 1839 satiric letter. *Gentlemen's Magazine* (Philadelphia) published a three-page "mock heroic ballad" making fun of the failure of the Eglinton tournament; *Baltimore Sun*, August 2, 1839; Ian Anstruther, *The Knight and the Umbrella: An Account of the Eglinton Tournament, 1839* (Gloucester, England: Sutton, 1986), xiii.

10. Silhouette reproduced in Orians, "Origin of the Ring Tournament," 263.

11. Hiss, "Knights of the Lance," 342–43; *Baltimore American*, July 16, 1905.

ing enjoyed a heyday in Maryland similar to the popularity of tournaments at the Springs, but until then, very few Marylanders identified with the traditional southernness expressed at the resorts.¹²

Marylanders nevertheless visited the Springs, and some probably enjoyed the tournaments. The *Baltimore Sun* occasionally took note of such events and asked, "will not some of the gallant young spirits of Maryland participate?" The *Sun* hailed a tournament at Shannondale Springs as "a superb spectacle . . . a more brilliant and successful round of amusements has never been known," and proclaimed that "a good many Baltimoreans have been here, and all were delighted. It would be impossible for persons of taste to be otherwise."¹³

Yet the Virginia Springs tournaments also drew their share of criticism from Maryland newspapers. In 1845, a *Baltimore Sun* writer mockingly denounced the social distinctions and those who revered them at a tournament at Fauquier Springs:

the elevated sports of our honorable men—yes, honorable, for amongst the number are recorded initials, with the prefix, 'honorable,' and learned judges, and who will say they are not 'honorable' forsooth, and Colonels, and other officers of the army and are they not honorable? And honorable women too, fair ladies and honorable men. . . . We only wonder there was not a chaplain appointed, that there might have been something reverend withal.

The writer was baffled as to why "men and women of the apparent station and character of those engaged in this affair, should lend name and influence to such a scene of premeditated folly." Although elite spectators might have thought social status entitled them to witness the tournaments, this Baltimorean believed that same status should motivate them to spurn such an event.¹⁴

If Baltimore writers were ambivalent in their attitudes toward tournaments, southern Marylanders usually approved of jousting. Jousting was popular in St. Mary's County and on the Eastern Shore, both of which were more closely linked to the South, economically and socially, than other parts of the state. Jousting may have been one area in which they were also culturally connected. Tournaments in St. Mary's County expressed chivalric virtues esteemed by southerners, combining refinement and beauty with competition, display, and exclusivity.¹⁵

By holding tournaments, spectators and participants believed that they were engaging in an "ancient and time-honored source of amusement." At a tourna-

12. For more on the Virginia Springs, see Charlene Boyer Lewis, *Ladies and Gentlemen on Display: Planter Society at the Virginia Springs, 1790–1860* (Charlottesville: University Press of Virginia, 2001), 201–205.

13. *Baltimore Sun*, August 23, September 2, 1848.

14. *Ibid.*, September 5, 1845.

15. For a history of St. Mary's County, see Regina Combs Hammett, *History of St. Mary's County* (Leonardtown, Maryland: St. Mary's County Bicentennial Commission, 1977). The *St. Mary's Beacon*, which contained articles on pre-war jousting was suspended in 1863 for the South-

ment at Blakistone's Pavilion in 1857, orator Henry W. Thomas traced the "rise and progress of chivalry in the olden time, and hailed with pleasure its introduction among the gallant youths of our own day." Thomas acknowledged chivalry's past and believed it still existed in the present. Much of his belief rested in the tournaments' refinement and beauty. In addition to concentrating on the beauty surrounding a joust, writers also commented on the importance of women to the tournaments. In 1858, when the last knight crowned his lady of choice, he "added another star to the already bright galaxy of beauty." Heralds encouraged knights to "strain every energy to win the proud privilege of crowning the 'Queen of love and beauty.'" The climax of the tournament was the crowning of the "queen" and her maids, a ceremony that made women the focal point of each event.¹⁶

Tournaments required that men demonstrate their worth to female spectators and to their male counterparts. Women's "waving of handkerchiefs" and "the throbbing of anxious hearts" validated the knights' efforts, and they achieved their purpose of winning the hearts of "the fair company." Paul Anderson, in his study of Turner Ashby and the Civil War, found that in antebellum tournaments "victory reaffirmed the very real and romantic social ideal that women were the source and the inseparable essence of southern chivalry."¹⁷ Tournaments, and the knights who competed in them, relied in part on women's approval to confirm their status as leaders of southern society. Yet these knights also needed the attention and approval of their peers. They competed with each other to prove to themselves and to their women that they embodied the chivalric ideal. When the Knight of Ivanhoe crowned his queen, a writer for the *Beacon* stated that it "caused the heart of even an old bachelor like ourself to throb with an unwonted sensation of *almost* envy at Ivanhoe's success." The attention of a knight's social equals to his victory was a triumph in that it confirmed his achievement of the chivalric qualities that southern society demanded of its gentlemen. If a knight was not so fortunate as to crown a queen or a maid, however, all was not lost. So long as a competitor exhibited qualities such as "gallant bearing, majestic mien, and superior horsemanship," he could still win the approval of his peers. Horsemanship was a particularly important skill—Hiss asserted that "good horsemanship is a sine qua non in a knight."

The writer for the *Beacon* paid close attention to a rider who was able to control "an unmanageable charger" and described several knights who "rode handsomely and showed great dexterity in the management of [their] steed[s]." The past held importance in the present as evidenced in the description of the Knight

ern sympathies of its editor J.S. Downs, who was consequently arrested for pro-Southern editorials. The *St. Mary's Gazette* replaced it five months later, with new editor Walter Thompson.

16. *St. Mary's Beacon*, August 9, 1860, September 10, 1857, October 7, 1858.

17. *Ibid.*, September 10, 1857; Paul Anderson, *Blood Image: Turner Ashby in the Civil War and the Southern Mind* (Baton Rouge: Louisiana State University Press, 2002), 122.

of St. Mary's, whose "style and bearing throughout was of a most knightly nature, and tended forcibly to impress one with the idea that a descendent of the Calverts still existed in our midst." Competition and a knight's masculinity were not entirely dependent upon successfully capturing the rings and crowning a queen. A competitor's character and knightly deportment were more important than tangible rewards in determining his worth. His peers, both men and women, determined his value as a knight. This emphasis on hierarchy and exclusivity could not be bypassed, and some restrictions were set in place to maintain the elite status of the participants and spectators at tournaments.¹⁸

Although private tournaments continued to attract the wealthiest Marylanders, the presence of a diverse audience at public events revealed both the popularity of jousting and its celebration of display. The *Beacon* included almost no references to the audience who attended these tournaments, making it difficult to determine if spectators were in any way restricted. Few tournaments seem to have required admission fees, which, though that may have undermined the tournament's exclusivity, encouraged the display of knightly bearing and behavior in the presence of social inferiors. Hiss noticed that tournaments provided "the wealthy class an excellent opportunity for display." The presence, and especially the approbation, of the lower classes reinforced the lofty images knights and ladies held of themselves. So long as crowds did not conduct themselves improperly, knights and ladies felt encouraged to invite spectators to a tournament rather than to refuse them.¹⁹

Limitations on who could participate made it easier to uphold hierarchy and exclusivity. The title of "knight" had to be restricted to the elite—it was they who held themselves to the ideal of chivalry. To allow social inferiors to participate as competitors would demean the sanctity with which elite men viewed their role. Ensuring that a knight was of the "proper" social status was basic to tournament participation. A knight had to own his own horse, which invariably ruled out a majority of those considered undesirable. As Hiss explained, "Owing to the fact that an ideal saddlehorse is a prime factor in determining upon whose banner victory shall perch, the sport is limited. It is not a recreation for the masses, and even solid and substantial middle-class farmers confine themselves to the part of spectators." Another limitation was the fee some tournaments charged knights in exchange for "costume, board, ball ticket, and horse feed." Although these restrictions limited the number of prospective participants, few seem to have challenged this hierarchy.²⁰

In a speech at Towsontown in 1866, Reverdy Johnson tried to reconcile sec-

18. *St. Mary's Beacon*, September 10, 1857 (italics in the original); *Ibid.*, October 7, 1858; Hiss, "Knights of the Lance," 339.

19. Hiss, "Knights of the Lance," 341.

20. *Ibid.*, 341; *St. Mary's Beacon*, July 19, 1860.

tional and national interests. He referred to secession as "the insane effort to dissolve the Union" and insisted that the government's intention in suppressing secession was not for any purpose of conquest or subjugation. A Conservative Unionist, Johnson was nevertheless greatly disturbed by the disfranchisement of ex-Confederates and asserted that they could be trusted. "Our associations with them have been constant, enabling us to understand their character better, and we know that they may be trusted." Johnson declared it "absolute political despotism" that the oath of allegiance, which demanded that pro-southern Marylanders swear that they "had never expressed a 'desire' for the Confederacy's triumph" and suspended the voting rights of those who had "given support by 'open deed or word' to the Confederacy," disfranchised nearly three-fourths of Maryland men.²¹

Defeat, and then disfranchisement, certainly humiliated some Confederate veterans and in the aftermath of that devastating loss many Marylanders turned, with their fellow southerners, to the ideal of the Lost Cause. Margaret Mitchell described the essence of the Lost Cause in *Gone with the Wind*:

Everything in their old world had changed but the old forms. The old usages went on, must go on, for the forms were all that were left to them. They were holding tightly to the things they knew best and loved best in the old days, the leisured manners, the courtesy, the pleasant casualness in human contacts and, most of all, the protecting attitude of the men toward their women . . . they remained ladies and gentlemen, royalty in exile—bitter, aloof, incurious, kind to one another, diamond hard, as bright and brittle as the crystal of the broken chandelier over their heads.

This reluctance to discard the past and the romanticization of that past formed the crux of the Lost Cause. Historians in recent years have examined Civil War memory and the image of the Lost Cause and though they do not agree on the extent of its impact, most acknowledge the effect of the memory of the war on shaping the postbellum period. The Lost Cause allowed some southerners to find relief from "the lingering fear that defeat had somehow dishonored them." Increasingly after the war, "as the antebellum code of honor demanded, southerners asserted to themselves and to the Yankees" that they had retained their sense of righteousness, honor, and manliness. Although the Lost Cause provided southerners with a way to maintain their prewar values in a postwar world, the extent to

21. Reverdy Johnson, *Speech of Hon. Reverdy Johnson on the questions connected with the condition of the country*, delivered at Towson town, Baltimore County, Maryland, on Saturday, November 3, 1866. Special Collections, University of Virginia, Charlottesville, 3,4; Johnson, *Speech*, 22; Eric Foner, *Reconstruction: America's Unfinished Revolution, 1863–1877* (New York: Harper & Row, 1988), 40–41. For information on post-bellum Maryland politics and political parties see Jean Baker, *The Politics of Continuity: Maryland Political Parties from 1858–1870* (Baltimore: Johns Hopkins University Press, 1973); Johnson, *Speech*, 30.

which "the South clung tenaciously to its past" should not be exaggerated. Many other southerners looked forward to the New South and anticipated reunion with their fellow Americans.²²

Southerners, and northerners, too, embraced the image of the plantation romance and the "Old South," a corollary of the Lost Cause. Both struggled to understand their postbellum world and often looked to sentimental images of the past to help them manage the immense changes they faced. Nina Silber, in her study of northern attitudes toward postwar reunion, finds that "as northerners became enamored with notions of medieval simplicity and knightly fortitude, they imposed this feudal framework on their image of the southern white man."²³

Jousting tournaments in Maryland were reborn in this atmosphere of instability, unpredictability, and romanticization of the past. Ted Ownby, in his examination of religion, recreation, and manhood in the postbellum rural South has acknowledged that "few things could have looked more out of place in the late nineteenth century than these imitation knights, dressed in imitation armor, and cavorting on decorated horses." Yet Ownby is accurate in asserting that "postbellum tournaments had deep significance for those who participated." Specifically, these events were significant for Marylanders because they provided them with a way of expressing their identification with a piece of southern culture that appeared stable and unchanging, especially in the face of the uncertainties of the postwar environment—a world over which they had little control.²⁴

Maryland tournaments in the postbellum period contained explicit and implicit assertions of antebellum elite southern values. Some Marylanders supported the defeated Confederacy in tournaments that raised money for relief. Participants in these events chose partisan names for knights and honored Confederate officers. In 1866, the Prince George's County Southern Relief Fair had the "benevolent design of sending relief to the desolate homes and firesides of the South." In October of the same year, the Ladies Memorial Fair in St. Mary's County aimed "to provide means to properly enclose the ground wherein rest the Confederate dead at Point Lookout." In 1878 several tournaments were held in and around Baltimore "for the benefit of the yellow fever sufferers in the South." That the

22. Margaret Mitchell, *Gone with the Wind* (New York: Macmillan, 1936), 608; Gaines Foster, *Ghosts of the Confederacy: Defeat, the Lost Cause, and the Emergence of the New South, 1865–1913* (New York: Oxford University Press, 1987), 6, 35. For more studies of Civil War memory and the Lost Cause, see David Blight, *Race and Reunion: the Civil War in American Memory* (Cambridge: Belknap Press of Harvard University Press, 2001) and Rollin G. Osterweis, *The Myth of the Lost Cause: 1865–1900* (Hamden, Connecticut: Archon Books, 1973).

23. Nina Silber, *The Romance of Reunion: Northerners and the South, 1865–1900* (Chapel Hill: University of North Carolina Press, 1993); see also a discussion of the image of the plantation romance in Grace Hale, *Making Whiteness: The Culture of Segregation in the South, 1890–1940* (New York: Vintage Books, 1999), 52–65.

24. Ted Ownby, *Subduing Satan: Religion, Recreation, and Manhood in the Rural South, 1865–1920* (Chapel Hill: University of North Carolina Press, 1990), 70, 72.

organizers chose tournaments to aid in their charity efforts reveals that the pastime was popular enough to raise substantial funds for their causes.²⁵

The presence of notable spectators at Maryland tournaments also conveyed the activity's southernness and sympathy for the Confederacy. Generals P. G. T. Beauregard and Joseph E. Johnston attended a tournament near Baltimore in 1869 and "expressed their delight with the pleasures of the occasion." In 1870, Johnston returned to the same tournament, where Major Harry Gilmor also added his presence. Gilmor, a Marylander and descendent of William Gilmor, sponsor of the Vineyard tournament, had served as an officer in an independent Confederate cavalry unit. The presence of ex-Confederate officers contributed to the aristocratic aura that the events conveyed as well as a connection to a southern and specifically Confederate heritage.²⁶

Knights also chose names that expressed southern identity and Confederate heritage. While names like the "Knight of Ivanhoe" and those that referred to the knight's hometown remained popular, some chose names that clearly demonstrated their political and cultural leanings. In 1866, at the Prince George's County Relief Fair, the "Knight of the Lost Cause" made his first appearance. Throughout the 1870s, "Knight of the Lost Cause," "Knight in Grey," "Knight of the Sunny South," and "Knight of the South" continued to appear in the lists of competitors at Maryland tournaments.²⁷

Chivalry was the ideal to which these knights aspired and one that informed all other cultural expressions at the tournaments. As they had at antebellum jousts, orators continued to invoke the chivalric spirit of the Middle Ages and relate it to the present. Tournaments were seen as a "reflex of medieval chivalry" and "if their revival in this age and country should be accompanied by a revival of respect for truth, honesty, courage, and a high sentiment of personal honor," one orator declared, "we should welcome it as a thing much needed." While acknowledging the importance of chivalry in their postbellum world, orators also admitted that chivalry had undergone changes between the past and the present, and they usually referred to the positive effects of that change. Nicholas Watkins declared at the Mt. Royal tournament in 1870 that "the order of knighthood had undergone a wonderful change since its institution centuries ago." A. W. Perrie's address to the knights at

25. *Baltimore Sun*, May 26, 1866; *St. Mary's Gazette*, October 4, 1866; *Baltimore Sun*, September 5, 14, 1878; a tournament in Newington Park reportedly raised \$500 for southern yellow fever sufferers, *Baltimore Sun*, September 5, 1878.

26. *Ibid.*, October 7, 1869.

27. The reference to the "Knight of the Lost Cause" in 1866 is from Effie Gwynn Bowie, *Across the Years in Prince George's County: a Genealogical and Biographical History of Some Prince George's County, Maryland and Allied Families* (Richmond: Genealogical Pub. Co., 1947), from a clipping in a scrapbook, source unknown. Names of knights expressing associations with the Lost Cause and the South are found in the *Baltimore Sun*, September 18, 22, 1870; September 22, 26, 1872; September 22, October 1, 13, 1875; September 5, 1878.

the 1870 Brooklandwood tournament asserted that the “spirit of chivalry” had “found a home in our own country—a sacred temple in the States of the South.”²⁸

When the nation celebrated its centennial at Philadelphia in 1876, “Maryland Day” included a tournament that thrust chivalry upon a more public stage. Spectators, it became clear, held diverse opinions on the meaning and purpose of chivalry that were often at odds with those of the participants. Newspapers commenting on the thousands who attended “Maryland Day” boasted that it outdrew “New York Day” and that only “Pennsylvania Day” saw a larger crowd. Crowds flocked to the tournament grounds. Many expected a re-enactment of the Middle Ages, and were disappointed at what they saw. “A large part of the assemblage no doubt expected to see knights in real armor, with lances and heroic battle-axes, pounding each other into the dust as painted in the pages of *Ivanhoe*,” and had little patience with ring jousting. Although the expectations of participants and spectators were often at odds, the result was a more inclusive idea of “southern” that blended Old South traditions with the emerging characteristics of the new.²⁹ Chivalry took on greater importance amidst the changes and uncertainties of the postbellum world. J. V. L. Findlay stated in his address to the knights at the Centennial that “the hard lines of our practical life need mellowing with the sunshine of more sentiment and poetry” and urged the knights to “cherish and keep alive those sentiments of chivalry suggested by today’s pastime.” Findlay portrayed the chivalric display of the tournaments as a refuge from “the hard lines” of daily life and drew a sharp contrast between life in the postbellum era and the old days of chivalry. Kentuckian J. C. S. Blackburn was more explicit. He directly connected Maryland’s tournament to the South by referring to Baltimore as the “metropolis of the South” and drew parallels between chivalry and the aftermath of the Civil War:

The influence of chivalry lives to-day in the noble, manly traits of our race. It has given to our own sunny South much of its knightly manhood and graceful refinement. To that character she can still point with pride amid the ashes of her desolation. Whatever else she has lost amid her crumbling fortunes, the eye still brightens at the grace of her daughters and the bearing of her sons.³⁰

Another way in which orators proved that chivalry was alive and well in the postwar South was by drawing attention to the beauty of the women who gathered to watch the tournaments. Articles referred to “the beautiful belles of Baltimore county and city” and alluded to women’s vital influence on civilization in general and tournaments in particular. Blackburn informed the Newington Park

28. *Baltimore American*, September 22, 1875; *Baltimore Sun*, October 20, 1876; *Ibid.*, October 25, 1870; *The County Herald* (Towsontown), October 8, 1870.

29. *Baltimore Sun*, October 19, 20, 1876; *Baltimore American*, October 19, 20, 1876.

30. *Baltimore American*, October 20, 1876; *Baltimore Sun*, September 5, 1878.

Detail, "A Modern Tourney," Harper's Weekly, December 4, 1869.



tournament that those countries where woman's "beauty and gentle humanity" were recognized have advanced in all the attributions of national greatness" and concluded by referring to the place of honor women held in southern society. "In no land is her sway owned more completely than in our own. . . . What we owe to woman we owe in part to chivalry . . . last at the cross, first at the sepulchre, woman's devotion stands out as a beacon for man's guidance." Blackburn and many other tournament supporters continued to praise the idealized female nature of delicacy and refinement.³¹

Heralds at various tournaments in Maryland spoke of the inspiration women lent to the events and to the knights who participated for their favor. Accounts often recorded the large numbers of women in attendance, and noted the enjoyment they derived from the pageantry. One speaker claimed at a Brooklandwood tournament that "there would be no necessity for a tournament if the happiness and enjoyment of women were not the chief object." Newspapers described female spectators as "animated" and noticed that "the waving of handkerchiefs gave evidence of the gratification of the fair ones."

The emphasis on the responses of women suggests that jousting was just as important to women as the presence of women was to the events. Most southern

31. Ibid., September 5, 1878. Blackburn expressed a belief in a traditional view of woman's civilizing influence, an idea that men would increasingly challenge in the later decades of the nineteenth century as they asserted a more aggressive manhood in order to combat the "feminization" of civilization.

men, however, only desired women's presence and approval when women fulfilled the role of archetypal southern ladies. The image of the southern lady in antebellum culture persisted in the emphasis on women at tournaments in postbellum Maryland. Men portrayed women and jousting tournaments as having a symbiotic relationship, both benefiting from mutual endorsement. Tournaments were popular because approving women were in attendance, and women allegedly enjoyed the attention they received.³²

Deeply connected to the beauty and importance of women was the masculinity exhibited by tournament participants. Conflating chivalry, the influence of women, and masculinity, one herald reminded the knights that there were still "motives for gallant actions and courageous deeds, besides the indulgence of manly sports and skill. Every Knight would have at least one fair lady interested in his success, and this should inspire his efforts." A knight exhibited his masculinity not only by indulging in "manly sports and skill," but also by performing "gallant actions and courageous deeds" and winning the favor of a lady. The idea of masculinity was more closely linked to physical strength and militarism in the antebellum South than it was in the North, which emphasized manly restraint to a greater degree. An account of the Western Run Valley tournament drew attention to the knights' physical strength and appearance: "the knights were all young men, fine looking and well built, and as a rule wore fine costumes—sashes, top boots and cocked hats."³³ A knight's masculinity went beyond physical appearance to behavior. J. J. Stewart's address at the Centennial outlined the necessary skills of a knight, "good horsemanship, a steady hand, and true sight are the pre-requisites of your success, and these are but the outward manifestations of self-contained and vigorous character." Engaging in competition was one way a southern gentleman could prove he possessed these skills.³⁴

Southern masculinity had been tied to competitiveness since at least the antebellum period. Within traditional southern gender conventions, men had to prove their manhood by actively competing in trials of masculinity. This expectation was a product of the code of honor—one that pervaded the South and often resulted in outright violence. After the Civil War, the emphasis on competitive violence declined, and although the decrescendo of violence was not uniform, Edward Ayers has explained that after the Confederate defeat, "any ritualized violence that required all the regalia and etiquette of the vanquished antebellum world may have seemed more of hubris than honor." Jousting tournaments in Maryland exhibited these changing definitions and expectations.³⁵

32. Unidentified newspaper article, possibly the *County Herald*, (Towsontown), October 4, 1873; *Baltimore Sun*, September 27, 1870, October 7, 1869, October 25, 1870.

33. *Ibid.*, October 7, 1869; Foster, *Ghosts of the Confederacy*, 6; *Baltimore American*, August 27, 1875.

34. *Baltimore Sun*, October 20, 1876.

35. For more on honor culture and violence in the South, see Bertram Wyatt-Brown, *South-*

When A. W. Perrie addressed the knights at an 1870 tournament he emphasized the Civil War's effects on the competitive nature of jousting, explaining that the tournament was:

no contest and pomp of war, whose smoke and glamour once dissipated, disclosed household gods and shivered ruined hopes, whose din and clangor, once hushed, give place to the low, long wail of anguish and the muffled moan of despair. No; this may be appropriately classed among the triumphs of peace.

Although Perrie believed that tournaments were an expression of either war or peace, few contemporaries saw the competition in such diametrically opposed terms. As the years after the war passed, the orations of those engaged in tournaments revealed a desire to witness spirited competition with an element of danger if not bloody violence. Tournaments encouraged knights to test "their prowess against each other" but not "in the spirit of bloody and mortal combat." Although few competitors suffered bodily harm, spectators and participants still expected the competition to be somewhat dangerous. Jousting allowed men to prove their masculinity without significant violence and bloodshed.³⁶

The attempted exclusivity of postbellum tournaments harked back to the hierarchic, class-based systems of the antebellum South. Organizers and sponsors of jousting tournaments attempted to control the types of people who participated as well as those who came to view them. In order to ensure the "select assemblage" of the audience, tournaments sometimes charged an admission fee of 50 cents. Accounts referred to the "well known citizens," the "brilliant and select assemblage of ladies and gentlemen," and "the elite and fashion of the city" in attendance. Tournament organizers sometimes recruited law enforcement officers to patrol the grounds, and occasionally "guards were placed at each entrance to prevent the intrusion of any improper person." The *Baltimore American* declared it "mortifying" that the police were needed to maintain order, stating that "the audience in its general features, was eminently an aristocratic gathering, and it is usually supposed that when gentlemen get together they will behave themselves." Despite these efforts to maintain exclusivity, and perhaps contributing to the *American's* frustration, was the fact that a tournament's audience was increasingly not composed of gentlemen and ladies.³⁷

ern Honor: Ethics and Behavior in the Old South (New York: Oxford University Press, 1982), Edward Ayers, *Vengeance and Justice: Crime and Punishment in the 19th-century American South* (New York: Oxford University Press, 1984), 271.

36. *The County Herald* (Towsontown), October 8, 1870; *Baltimore Sun*, October 22, 25, 1870. At a Baltimore tournament in 1871, knights had to leap over hurdles while simultaneously attempting to capture the ring which added "the tremulousness of apparent danger to the natural excitement of competing skill otherwise." *Baltimore Sun*, September 27, 1870.

37. *Baltimore American*, September 14, 1872; *Baltimore Gazette*, October 25, 1870; *Baltimore*



An certain aggressiveness and virility inhabits this woodcut that is absent in a tournament sketch printed seventeen years later and shown on page 72. (*Harper's Weekly*, December 4, 1869.)

The democratization of tournaments was in part a result of the importance participants placed on the value of display. Exhibition and display were tightly connected to gentility. One was not genteel unless deemed and recognized as such by their peers. A display of refinement in front of social inferiors was also important in confirming gentility, though inferiors could not determine whether or not one was in fact genteel. Exhibition of elite status took on heightened importance after the Civil War had threatened and often destroyed their positions.

In Maryland tournaments increased in popularity in postwar decades. Accounts referred to the hundreds and even thousands of people who gathered on the grounds to take in the event. Advertisements and newspaper articles covering upcoming and past jousting tournaments fueled the fire of popularity.

An 1869 *Harper's Weekly* illustration of "A Modern Tournament" expressed the growing publicity and popularity of tournaments. In contrast to the 1841 silhouette of the Vineyard tournament, where spectators are lightly sketched in the background, the audience is in the foreground as well as the background of the 1869 illustration. Those in the background are lightly sketched as they were in the earlier work, but their immense numbers are obvious. The observers in the foreground are plainly identifiable well-dressed women and men. Male escorts accompany most of

American, September 25, 1875; *ibid.*, October 20, 1870, *Baltimore Sun*, October 12, 1875; *ibid.*, October 7, 1869; *Baltimore American*, September 27, 1872.

the women, but two women appear to be alone, perhaps having a beau in the competition.³⁸

These accounts also described the diversity of the crowds, often positively. At a Brooklandwood tournament in 1872, "beauty, fashion, distinctive finery flash and the humblest of people formed a kaleidoscopic view which was both entertaining and instructive." The author then provided a description of how individuals of different status commingled and explained how some felt about the diverse crowd:

The lovely and petted child of fashion, where magnificence of attire shed a luster only inferior to the dazzling hues of her complexion stood or sat beside the plump and buxom farmer's daughter without a shade of disdain. The old farmer himself drove his substantial carriage, with its big Conestoga in the shafts, right into the midst of the dazzling equipage of city millionaires with an air of importance which amused the good-natured and disgusted some.

A. W. Perrie's address to the knights described a diverse group of spectators: "Irrespective of the want or weight of years; unmindful of the demands of labor or the simplicity of penury; the proud and the humble, the unlettered and the learned, the wise and the weak, the great, the grave and the gay, the brave, the fair, and the beautiful." The *Baltimore American* also praised the diversity of the spectators at the Centennial. The article compared the event to the French exhibition of 1867, claiming that "the French peasant who lived a hundred miles from Paris never dreamed of being able to collect enough money and to spare enough time to go" to the affair. Baltimore readers were assured that, "we do better in this country."³⁹

One consequence of the increasing popularity of jousting tournaments was unexpected. Less favored groups such as blacks and women saw the potential to hold their own tourneys and consequently posed a threat to the southern values that tournaments supposedly maintained. Southern culture had traditionally viewed these groups as social inferiors.

In Maryland "colored" and "ladies" tournaments seem to have occurred in the postbellum period only in St. Mary's County, the region where jousting had the longest history. Both groups held tournaments primarily to raise money for charity, and what little attention the events received from the *St. Mary's Beacon* was usually negative. In 1879, the *Beacon* mentioned a colored tournament but was more interested in the murder that allegedly took place at an evening dance

38. *Harper's Weekly*, December 4, 1869; the illustration also shows the variety of conveyances people relied on to transport them to the tournament—carriages, horse-back, and many may have walked or taken a train. Improvements in transportation made it easier to attend the events, and newspaper articles informed spectators of the close proximity of jousting venues to the railroad lines.

39. *Baltimore American*, September 27, 1872; *The County Herald* (Towsontown), October 8, 1870; *Baltimore American*, October 19, 1876.

that followed the day's festivities. In 1878 a ladies' tournament held "in aid of a most deserving and pressing charity" was postponed, which the reporter sympathetically explained would perhaps:

gratify the few who assumed from the beginning that the ladies proposed unsexing themselves and who have persisted ever since in assailing the undertaking by taunt and ridicule, but it will be read with regret, we believe, by all who are disposed to distinguish between an innocent diversion for pleasantries and an unlady-like impropriety.

Perhaps because the purpose of the ladies' tournament was to raise money the author did not believe that female participants would be unsexed by their behavior. Their role in tournaments seemed to be in keeping with their responsibility of charity work, which may have made female competitors appear to be within their "proper sphere." Still, the line between "an innocent diversion" and "an unlady-like impropriety" seemed to be less rigid, which may have signaled the emergence of a new, and perhaps less restrictive southern femininity.⁴⁰

The emphasis Maryland tournaments placed on the continuity of women's roles in the changing world of the postbellum years was part of a larger goal to maintain stability in an unpredictable environment. Jousting in the border state celebrated what seemed to be traditional southern values that—if it was merely diversion to some—likely provided comfort and a sense of purpose to others seeking to understand their role in a reconstructed nation and who perceived the ideals of the Old South, specifically chivalry, display, and gentility to be timeless. But jousting and the values it espoused continued to change over time. Although most Marylanders expected jousting to express the values of the Old South, they nonetheless, perhaps unconsciously, infused the sport with elements of New South culture as well. Between 1880 and 1910 events, the world in which Maryland jousting tournaments existed continued to change. Tournaments changed as well. Some, particularly those held at Confederate homes, made continued reference to Confederate ideals and traditions. Most tournaments, however, underwent a transition from those traditionally southern sentiments to include a more forward looking nationalism.

The value placed on chivalry also diminished somewhat in the later decades of the nineteenth century. Dr. George Bagby was probably the most pessimistic about chivalry in his era, but his satiric "Charge to the Knights" was representative of the changing attitudes. Writing in 1884, he declared "Aye, Mr. Sir Knights, the age of chivalry [sic] is over, and you may thank your stars that it is over." He bluntly criticized the chivalric code's insistence on a man's willingness to die for honor:

40. *St. Mary's Beacon*, August 21, 1879. According to the article, at the dance following the tournament, Joseph Herbert, a black man, killed another black male, Henry Young, after Young refused to stop dancing with Herbert's wife, *St. Mary's Beacon*, October 10, 1878.

Mr. Sir Knights and Sir Gentlemen, you may congratulate yourselves that . . . you don't have to get up and put on a ready-made suit of steel, go out and straddle an iron-clad horse, and put out from home with every prospect of dying before sundown, because it is your duty to dare every man to knock a chip off your helmet who says his mistress is prettier than yours.

Few participants and orators at Maryland tournaments shared Bagby's certainty that chivalry was coming to an end, but they did share some of his doubts. Captain John R. King asserted at a tournament on James Cooney's farm that "the days of romance have past [sic] away." Less assured that the romantic days were entirely gone, an account of a tournament at My Lady's Manor claimed, "there is still left a remnant of the spirit that predominated in the sterner days of long ago." Significantly, the writer noticed only a "remnant" of the spirit of chivalry in this era. Logan Sparks's address to the knights noted hopefully, "The days of romance and chivalry . . . had not altogether passed away," and he asked the knights to do all in their power to uphold the old customs and the old traditions." Although opinions differed on how much chivalry still remained, most seemed to think its power was on the wane. The *Baltimore American* attempted to refute these doubts by asserting that tournaments and chivalry were enjoying their most popular season. In an article titled "May it Live Forever," the *American* declared:

The Maryland tournament is now in all its glory. It has proven this season that none of its former glory has been lost; but on the other hand, that it has gained both in strength and beauty with years. . . . Never has it been a greater attraction than it is today. . . . the Maryland tournament is proof that the days of chivalrous men and of beautiful women have not passed away. It is a noble and a cherished institution. Guard it well.

Few accounts refer to the survival of chivalry with as much certainty. The *American* writer seemed to be over-compensating for the reduced importance of chivalry at Maryland tournaments in the late nineteenth century. That decline was one of the clearest indicators that "southernness" at Maryland tournaments was no longer solely defined by the values of the antebellum South.⁴¹

The emphasis on the centrality of women also signaled more significant changes in Maryland's jousting culture. These changes were not immediate, and many still referred to the traditional roles women had filled at past tournaments. Knights still were encouraged to "ride well and boldly so as to merit the admiration of the girl at whose feet they would lay the crown of victory," and one orator told them

41. Dr. George V. Bagby, *Selections from the Miscellaneous Writings of Dr. George V. Bagby* (Richmond: Whittet & Shepperson, 1884), 337, 338; *Baltimore American*, August 17, 1899; *Baltimore Sun*, August 3, 1900; *Baltimore American*, August 19, 1899.

to “carry on your lance the motto ‘All for God and Her.’” As they had in the antebellum period, accounts referred to the large numbers of women in attendance and their enjoyment of the day’s events. “One of the most pleasing features of the affair,” the *Baltimore American* wrote of a tournament near Hood’s Mill, “was that the fair sex was present in even greater number than their male admirers.” John R. King reminded all that women watched “with bated breath and palpitating heart.” Admonishments about women’s proper role in society appeared less frequently in the later decades of the century. The central place they held in Maryland tournaments was slow to change but increasingly would be transformed as traditional praise of southern femininity was tempered by contemporary expectations.⁴²

Maryland jousting tournaments continued to define southern masculinity as a combination of inner character and physical strength and skill. One writer described the knights at an 1899 tournament as “fine-looking specimens of manhood,” and emphasized the importance of physical prowess, strength, and health. Competition and manhood became even more interconnected in the later decades of the nineteenth century than they had been in the immediate postwar period. At a tournament in Baltimore County in 1899 the commentator praised one knight for the number of queens he had crowned, asserting that he had crowned “48 queens during his career in tourneys” and that he held “the record of having crowned 48 queens in 12 years.” This emphasis on record-setting marked a new focus in tournaments and in measuring manhood. The most likely reason behind this new development was the increasing popularity of competitive sports—another avenue by which one could prove masculinity.⁴³

Yet tournament orators began to divided their focus between men’s strength of character and physical prowess. John R. King stressed inner qualities by explaining, “women’s smiles are not now won by bleeding limbs and broken swords, but in these our more enlightened days women must be won by wooing.” Deemphasizing the importance of physical danger and cautioning against seeking it, King asserted that masculinity was better proved by gentle rather than aggressive behavior. In contrast, in 1907 one writer, apparently longing for the old days, praised the more dangerous riding at the quintain that had taken place at a tournament at Doughoregan Manor in 1849. “It was not only a manly sport, but one requiring coolness, nerve and masterly horsemanship,” he wrote, “far more difficult than riding at the ring—an amusement in which there is no risk save that of failure.”⁴⁴

Over time, tournaments became less satisfying to those who came expecting the competition to resemble increasingly popular sports such as football that

42. *Baltimore Sun*, August 3, 1900; *Baltimore American*, August 17, 18, 1899.

43. *Baltimore American*, August 18, 1899; *Baltimore Sun*, August 31, 1899.

44. *Baltimore American*, August 17, 1899; source unknown, date is probably 1907, Vertical File, Maryland Historical Society Library.

emphasized masculinity and competition of a different sort. Tournaments encouraged competition but expected men to behave as ideal southern gentlemen. Jousting expected more of men than the fighting virtues that competitive athletics engendered, which historian Anthony Rotundo has described as: "determination, coolness, steadiness of nerve, quickness of apprehension, endurance against hunger, fatigue and physical distress, and—above all—courage." Tournaments encouraged more romantic values, such as "knightly vows":

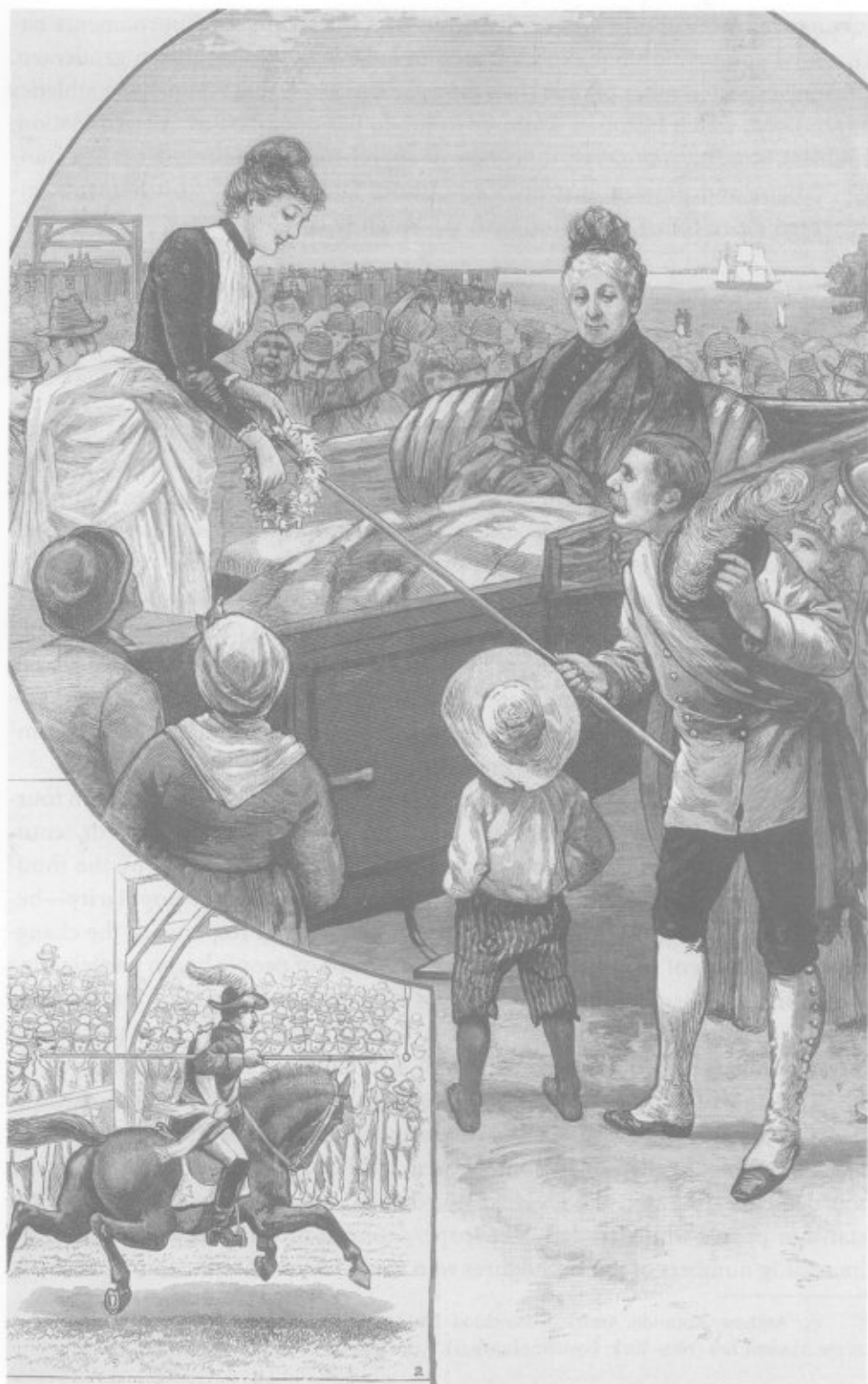
The first is the vow of valor—to never refuse battle in the cause of right or the honor of your lady. The second is the vow of courtesy—to be in all things, as far as may be, courteous and kind. The third is the vow of generosity, called also the vow of nobility because generosity is the noblest of virtues.

Traditional southern masculinity, with its dual emphasis on manly competition accompanied by such things as "knightly vows" did not quite fit into the emerging world of competitive athletics. Maryland tournaments expected both more and less from its knights than mass culture demanded of its athletes. As newspapers in the late nineteenth century became more complex and more organized they devoted sections specifically to sports. Jousting tournaments were not included in the sports pages but received their own space when they did appear in the newspaper. The increasing popularity of competitive athletics pressured traditional southern masculinity either to adapt to new ideas of manhood and competition or risk losing the attention of the public.⁴⁵

The tension between exclusivity and display that emerged in postbellum tournaments became more intense in the late nineteenth and early twentieth centuries, and display increasingly outweighed exclusivity as spectators by the thousands flocked to tourney grounds. Politicians—bellwethers of popularity—began turning up in greater numbers at the tournaments in response to the changing composition of audiences. More diverse groups of people began participating in jousting, further diminishing efforts to retain the exclusivity of the competitors. The nature and purpose of the tournaments changed as time passed and larger numbers of people became more directly involved in the pastime.

Accounts of tournaments between 1880 and 1910 referred to the thousands of people who gathered to witness the pastime and made almost no mention of any law enforcement called in to control them. Although articles covering jousting tournaments still listed the presence of notables, there was less emphasis on the status of people who attended. Newspapers seemed much more interested in the increasing numbers of political figures who could be found at the tournaments. In

45. Anthony Rotundo, *American Manhood: Transformations in Masculinity from the Revolution to the Modern Era* (New York: BasicBooks, 1993), 241; *Baltimore Sun*, August 31, 1899.



1899 one writer stated that "a tournament in Baltimore County is not complete without the presence of political candidates and their supporters."⁴⁶

Some accounts noted the potential "field day" tournaments posed for politicians because they afforded "an opportunity for political leaders and aspirants to feel the pulse of the people." The presence of politicians attracted much attention. On one occasion "the interest in the annual tournament . . . was about evenly divided between the tournament itself and the two Congressional candidates." At a Baltimore tournament in 1900 the political candidates played prominent roles in the tourney—one delivered the charge to the knights, the other gave the coronation address. The increasing visibility and influence of politicians at the tournaments received little negative attention, though at least one writer did raise his voice in criticism:

The tournament, like the country fair, has become a campaigning spot for candidates for office. They must not be allowed to spoil it—to let politics interfere with the [j]ousts, or seek to obtain votes by talking to the knights while they are riding at the rings . . . may the tournament live forever, unsullied by politics, untarnished by the hand of the ruthless campaigner.

Democratization, including the intrusion of politics into the idealized world of tournaments, signaled the further decline of traditional antebellum southern values that jousting in Maryland had once supported.⁴⁷

A more dramatic shift took place with a change in the nature of the competitors. A joust in Hagerstown in 1910, in addition to professional and amateur competitions, also held a free-for-all contest, which certainly did not reflect the hierarchy and exclusivity of the southernness of earlier tournaments but rather represented a departure from these values.⁴⁸

More significantly, blacks and women played increasingly active roles in Maryland tournaments. At an 1899 tournament "the judges' box was filled by ladies instead of by the sterner sex, as usual, and the heralds were also prominent society ladies of the county." The appointment of women as judges made their responsibilities—and approval of the knights and their actions—official. On the other hand, a tournament at the "Colored People's Fair" received little attention from the *Baltimore Sun*. From the limited description, it appears that black tournaments were more similar than different from their white counterparts. Knights

46. *Baltimore Sun*, August 24, 1899; *Baltimore American*, August 18, 1899.

47. *Baltimore Sun*, August 2, 18, 1910; August 3, 1900; *Baltimore American*, August 19, 1899.

48. *Baltimore Sun*, September 5, 1910.

Left: "Maryland—Tournament at Horn Point, October 14th, for the Benefit of the Charleston Earthquake Fund. The Successful Knight Presenting the Victor's Wreath to the Queen of Beauty." (Frank Leslie's Illustrated Newspaper, October 30, 1886.)

named themselves after their home towns, heralds delivered the charge and the coronation address to the knights, and victorious knights crowned their ladies of choice. Although black and white tournaments exhibited many similarities, they were nonetheless segregated. Nowhere does it appear that blacks and whites participated together in the same tournaments.⁴⁹

Although black and white knights were segregated to different tournaments, on at least one occasion white men and women competed at the same tourney. At a tournament in Anne Arundel County in 1906, "a number of ladies also rode" in addition to the knights. The two jousts seem to have been entirely separate and this tilting of maids was a relatively new phenomenon. Although some women had attempted to hold "ladies' tournaments" after the Civil War, the tournament at Mount Airy received more attention than the St. Mary's County event. The female participants were unmarried, named themselves "Maid of," and usually chose a place name with which to associate themselves, similar to the way knights chose their names. Whereas knights crowned the Queen of Love and Beauty, the victorious maid crowned "the Prince of Manly Beauty and Strength," and runners-up crowned the "gentlemen in waiting." The Mount Airy tournament challenged the idealized gender roles of southern culture, and women competing in jousting tournaments may have been part of a larger national phenomenon of women participating in sports. Though physically active women were becoming more common, women's active participation in Maryland tournaments nonetheless represented a marked departure from the role they had traditionally held.⁵⁰ Few criticized women's competing in jousting tournaments. Accounts of the 1906 tournament did not express fears of unsexed women or emasculated men. Instead, references to the event confirm that Maryland tournaments were becoming more representative of postbellum cultural values.

By the end of the nineteenth century, jousting also reflected the increasingly modern world in which it took place. Innovative technology such as electric lights and photography facilitated the increasing publicity and popularity of tournaments and may have drawn larger crowds. Modern intrusions, however, could have a negative effect on the tournament as well, as is evidenced by the appearance of an automobile at an 1899 joust:

The prancing steeds, with their gallant riders, were coming through the lists, and the sounds of clanking rings on metal lances brought back vividly thoughts of "ye olden days." Just at this point there came spinning down the road just such a twentieth century contrivance as an automobile . . . and so soon as the throng caught sight of it there was a wild stampede in that direc-

49. *Baltimore American*, August 18, 1899.

Opposite: Confederate veterans also held jousting tournaments to raise funds for various causes. (Courtesy Daniel C. Toomey.)

Maryland Line Confederate Soldiers Home.

BOARD OF GOVERNORS.

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JAMES L. AUBREY,
R. JAMES STINSON,
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AUGUST SIMON,
DAN'L L. THOMAS.

Superintendent,
WILLIAM H. POPE.

Surgeon,
DR. W. P. E. WYSE.

Pikesville, Md., August 16th, 1899.

Dear Sir:

The Managers of the Maryland Line Confederate Soldiers Home beg to announce they will hold their annual Tournament, Festival and Ball at the Home, Pikesville, Md., on Maryland Day, Tuesday, September 12, 1899. The program will be of an interesting character, and the proceeds devoted to the maintenance of the Home. We hope you will bear in mind that this is one of our main supports.

Contributions of supplies, such as eatables, candies, fruit, cigars, etc., for sale at tables, will be most gratefully received. Send to—

JAMES R. WHEELER,
Commonwealth Bank.

AUGUST SIMON,
208 North Howard Street.

G. F. MASSON,
3 West Pratt Street.

CHAS. ANDREWS,
Meat Stall, 95 Lexington Market.

PIKESVILLE EXPRESS,
Hand House, N. Faca Street.

BAGGAGE ROOM,
W. M. R. R., Hillen Station.

Admission to Ground,	-	-	FREE
Admission to Tournament,	-	-	10 Cents.
Reserved Seats,	-	-	25 Cents.

Enclosed please find tickets. Kindly disposed of them and remit proceeds to

W. H. POPE, Superintendent,
or any of the Board of Managers.

tion. Knights, judges, heralds, lists and everything was left behind by a large portion of the crowd, in order to get a sight of the automobile, and it was some time before the crowd could drop back again several centuries to the enjoyment of spirited steeds and dashing riders.

Tension between modern and traditional had always existed but it became more explicit in the early twentieth century.⁵¹

Over time some viewed the increasing publicity of tournaments as a threat to jousting's chivalric roots. The 1899 tournament at James Cooney's farm seemed to lack the refinement and nobility of earlier jousting:

The knight's return in triumph with the rings encircling his lance was greeted in jig-like melody by the strains of a real "down home" group of fiddlers. These good old country fiddles afterward kept time with the movement of many feet on the dance platform in a good old country break-down after the crowning of the queen and her lovely maids of honor.

This "good old country break-down" marked a significant departure from the refinement of "ye olden days." More critical of such scenes, a writer for the *Baltimore American* took advantage of the opening of tourney season in 1905 to discuss the differences between past and present tournaments: "The modern twentieth century tournament is a very interesting affair. To be strictly honest, it reminds one more of the jolly rollicking country fair than of the old test of chivalry to which it owes its being."⁵²

One of the most telling signs that Maryland tournaments at the turn of the twentieth century were failing the "old test of chivalry" was that at many events the victorious knights no longer crowned the queen and her maids. At a tournament in Baltimore County in 1899, "the first four successful ones [knights] received the prizes and to the second four was given the honor of crowning the queen and her maid." Similarly at a tournament the same year in Reisterstown, the four knights who captured the highest number of rings won prizes and the next four highest competitors received the privilege of crowning the queen and maids. This shift in the priorities of awards reveals a change in values at Maryland tournaments. Crowning the queen had been the ultimate aspiration of competing knights. A knight's winning the attention and approval of a fair lady and crowning her as *his* queen had been the highest honor and indeed the entire reason for competing in a

50. *Baltimore Sun*, September 6, 1906. For more on women's athleticism see John Higham, "The Reorientation of American Culture in the 1890s" in Higham, *Writing American History: Essays on Modern Scholarship* (Bloomington: Indiana University Press, 1970), 82–83.

51. The Frederick tournament used electric lights, *Baltimore Sun*, August 31, 1899; a photograph of "The Tourney Near Wesley Grove" appeared in the *Baltimore American*, August 18, 20, 1899.

52. *Baltimore American*, August 17, 1899; *ibid.*, July 16, 1905.

tournament. Now, the most skilled knight received a bridle or a harness in recognition of his achievement. Material goods had apparently become more desirable than winning the hand of a virtuous maiden.⁵³

Most Maryland tournaments at the turn of the twentieth century were less an expression of a vague, romantic tribute to the antebellum South and more typical of the New South and the larger national culture. They moved away from the idealized elite view southerners held of themselves as chivalrous knights and virtuous ladies. The ways in which tournaments exhibited competition and chivalry also moved more toward national rather than sectional trends. Nevertheless, the traditional values of the Old South expressed in Maryland tournaments did not completely disappear at the end of the nineteenth century—their last hurrah sounded at the Maryland Line Confederate Soldiers' Home.

In 1888, the Pikesville Federal Arsenal of 1818 was converted into the Maryland Line Confederate Soldiers' Home. An 1890s brochure described the home as providing veterans "a haven of rest . . . to which they may retire and find refuge, and, at the same time, lose none of their self-respect, nor suffer in the estimation of those whose experience in life is more fortunate." Tournaments held at the home in the 1890s also offered veterans entertainment and a celebratory, idealized interpretation of the South for which they had fought three decades earlier. Jousting at the Pikesville home resembled that of earlier periods. Women retained their central and traditional role. Eugene O'Dunne's coronation address praised women's influence on Maryland society. "Maryland has never been without her heroes and her heroines, and as long as she continues to produce fair types of gentle womanhood that have made her as renowned in the past as she is celebrated in the present, she will never cease to have sons deserving of high honor." Accounts also proclaimed women's impact on the tournament in particular, emphasizing the encouragement they lent to the competition. The tournament in 1899 was "a brilliant success" due to the "fine weather, fine riding by gallant knights, and the charm of the presence of hundreds of fair women." The knights were inspired to heroic efforts because "with the admiring glances and more pronounced plaudits of fair ladies to encourage them the struggle for supremacy was spirited." The approval of women continued to be a primary concern of those who gathered for the tournament because it legitimized the events and appeared to give them a higher purpose other than mere competition. Of course, audiences still enjoyed "an exciting contest," but the reward for winning the competition was the privilege of crowning one's lady of choice *in addition to* material prizes.⁵⁴

Women who attended these tournaments, the "fair daughters of the Confederacy" presided over tables named for Stonewall Jackson, Turner Ashby, Bradley T.

53. *Baltimore Sun*, August 24, 1899; *Baltimore American*, August 25, 1899.

54. Photograph PP1059, Maryland Historical Society Library; *Baltimore Sun*, September 13, 1901; *Baltimore American*, September 13, 1899.

Johnson, and Harry Gilmor. Ashby and Johnson were particularly romantic figures of the Confederacy memorialized by Lost Cause advocates. Although they recognized southern distinctiveness and even regional superiority, those engaged in tournaments did not advocate divisive sectionalism but seemed to appreciate the unity of the nation. Accounts frequently referred to the "mingled Confederate and National colors" and described how "the flag of the Confederacy waved in unison with the emblem of a reunited country." Alonzo Miles's charge to the knights celebrated the South's role in bringing about this reunification. "The Southern people fought for their property rights and not for the dissolution of the Union. . . . I am proud to say, as one whose ancestors suffered for their devotion to the southern cause, thanks be to the loyalty and broadmindedness of the Southern people, we are today the reunited States."⁵⁵

While looking upon reunification as a positive good, orators nonetheless praised the southern virtues they believed Maryland tournaments expressed. A. S. Goldsborough declared that "if these tournaments, held under the eyes of those old veterans, fail to cherish and preserve the old ideals of southern chivalry, then their mission is a failure." According to Goldsborough, the entire purpose of jousting was to celebrate the Old South and its devotion to chivalry. His coronation address was explicit. "By chivalry I do not mean foppish gallantry. I mean the exhibition of virile but noble manhood. I mean a chivalry which does not content itself with prating about its reverence for women, but which proves that reverence by chivalrous living."⁵⁶

Throughout his address, Goldsborough made distinctions between what he believed to be false claims and what he considered reality, and he continuously emphasized the need to prove one's sentiments through action rather than simply declaring them. Recognizing the tournament as a "manly and ideal sport" he also emphasized the difference between men in battle and knights on a jousting field. Comparing the two, he asserted that the veterans "have fought real battles. They have not shot their lances through quiet, suspended rings." Veterans maintained their honor despite their defeat. "Neither the wear and tear of fighting nor the discouragements of a protracted struggle could lessen or disfigure the beauty of that chivalry. Men fought like knights . . . their final surrender was a tribute to their manhood." According to Goldsborough, although knights might not reach the level of Confederate veterans, they could still prove their manhood by competing honorably, especially if they competed for women's favor. The "true Southerner honors woman, not flippantly, but earnestly. He stands ready as her cham-

55. *Baltimore American*, September 13, 1901; for more on the romantic character of Turner Ashby, see Anderson, *Blood Image*; on Johnson, see Will, "Bradley T. Johnson's Lost Cause." See also Foster, *Ghosts of the Confederacy*, *Blight, Race and Reunion*; *Baltimore Sun*, September 13, 1901; *Baltimore American*, September 13, 1899; *Baltimore Sun*, September 13, 1906.

56. *Baltimore Sun*, September 13, 1906.

pion . . . reveres her virtues and he appreciates her value, and under the inspiration of her influence he seeks only the best ideals."⁵⁷

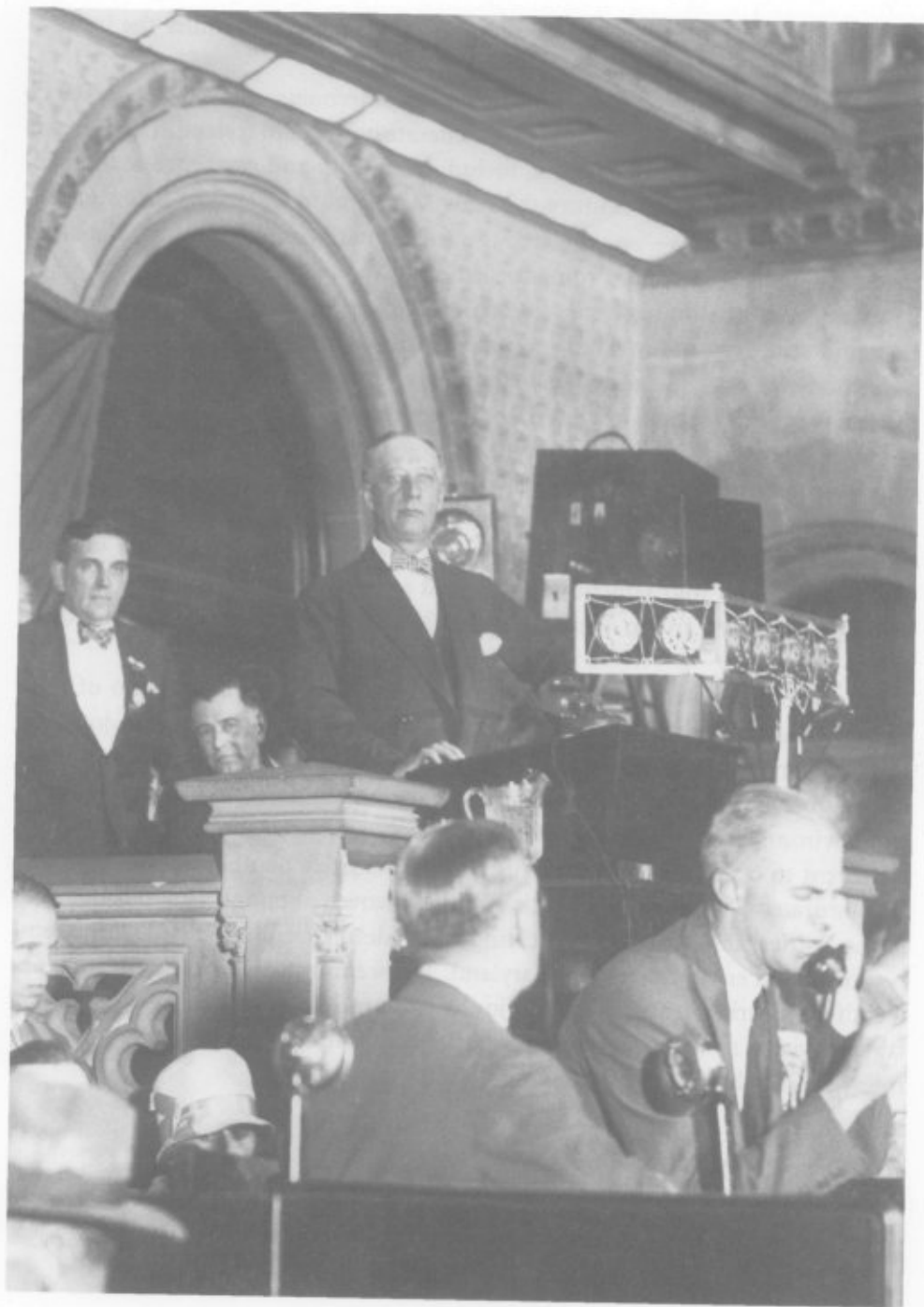
The celebration of romantic antebellum southernness enjoyed a renaissance through jousting tournaments at the Confederate home in Maryland. These events affirmed idealized southern virtues, including chivalry and reverence of women. The turn of the twentieth century thus saw Maryland tournaments take simultaneously different paths—one directed toward the nation and the future, the other toward the Old South and a romanticization of the past.

Maryland jousting tournaments continued throughout the twentieth century and still exist today. Their popularity and accessibility to a broad public have increased over the years. The elevation of the sport to commemoration as the state's official pastime implies that it enjoyed unchequered popularity from its beginnings. In fact, however, jousting changed significantly between 1840 and 1910. Tournaments were slow to catch on before the Civil War and flourished only in southern Maryland. After the war the romance of the Old South embodied in jousting appealed to many Marylanders who were grasping for a stable identity. The popularity of tournaments also allowed a new generation to enjoy an antebellum amusement and to adapt the sport to the modern changing world around them.

Marylanders formed and reformed tournaments as an expression of their cultural identity. As that identity began to shift, so did the structure of jousting. In 1897, Hanson Hiss asserted that "the tourney, from its inception to the present day, has been a sport entirely Southern, and peculiarly fitted to the temperament and environment of the South." Though it may have been somewhat of an overstatement to claim that jousting's history was "entirely Southern," Hiss nonetheless accurately identified its essential trait. Moreover, although Hiss did not refer to the border state specifically, jousting was indeed "peculiarly fitted to the temperament and environment" of Maryland. The seeming anachronism of late nineteenth- and early twentieth-century jousting tournaments in fact provided Marylanders with a means of interpreting the world around them and asserting their role within a dramatically changing nation.⁵⁸

57. Ibid.

58. Hiss, "Knights of the Lance," 338.



New York governor Al Smith (1877–1944) accepted the Democratic presidential nomination in August 1928. (Baltimore News-American, McKeldin Library, University of Maryland, College Park.)

Courting the Ladies: The Political Mobilization of Women in Baltimore, 1928

SHANNON L. PARSLEY

On November 5, 1928, on the eve of the election, music and footsteps filled the streets of Northeast Baltimore as 1,600 people, including the band and drum corps of St. Andrew's Cadets, paraded throughout the Sixth, Seventh, and Eighth Wards. Donning a brown derby and riding atop a white horse, Mrs. Sophie Bender, president of the Ladies Auxiliary of the Seventh Ward Young People's Bohemian Club, led the marchers as they cheered on the Democratic candidate for the presidency, Governor Al Smith of New York.¹ Just two days before, the Republican campaign in the city culminated with a rally attended by 1,650 voters at the Hippodrome Theater. Both men and women enthusiastically endorsed their candidate, Secretary of Commerce Herbert C. Hoover, emphasizing the role of Coolidge administration policies in maintaining prosperity, and Hoover's personal accomplishments as an administrator and humanitarian during World War I. Those in attendance denied that Prohibition was an issue in the campaign and one of the speakers, Louis Marshall, a New York lawyer and Zionist, argued vehemently that "there is no such issue as religious tolerance before the American people," yet the events of the previous months and the rhetoric of the campaign had proven to be inconsistent with such assertions.²

Touching upon emotionally charged issues such as Prohibition and religious intolerance, the 1928 campaign was characterized by an unusually high level of intensity—an intensity reflected in the often harsh and at times scurrilous campaign rhetoric on the part of citizens, editors, and partisans alike. As issues of the day stirred the passions and prejudices, Baltimore's women became increasingly active participants in the campaign. Their activities ranged from the simple act of speaking out in letters to the editors of the local newspapers, to public speaking, forming political clubs and hosting rallies, and finally to formal participation by registering and casting their votes.

Several local observers credited Baltimore's women, who went to the polls in record numbers, with swinging the election in the city.³ By highlighting issues such

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1. *Baltimore Sun*, November 6, 1928, 9.

2. *Ibid.*, November 5, 1928, 22, 5.

3. Baltimore's women, like others throughout the nation, not only registered to vote but went to the polls in unprecedented numbers in 1928. See the *Baltimore Sun*, November 7, 1928, 3.

as Prohibition, religion, and ethnic differences, the Hoover-Smith contest captured the interest of a variety of women who felt that such issues directly affected their families. This widespread mobilization of women in Baltimore illustrates the importance of the interaction of cultural identifications and gender roles in shaping political behavior. More importantly, perhaps, that activity contributed to the changing composition of the city's electorate and prompted party leaders to incorporate a policy agenda into their platforms that addressed issues of social welfare—a pattern that would continue well into the 1930s.

As the moral guardians of their families, Baltimore's women, like many others throughout the nation viewed the issues of the election and the conduct of the campaign itself differently from men.⁴ Their letters, speeches, and actions suggest that women sought to infuse the campaign with a sense of morality unfamiliar to conventional partisan politics. Throughout the nineteenth century and Progressive era women worked to bring attention to such moral issues as slavery, temperance, and child concerns over child labor and health. In 1928 sensitive questions of religion and Prohibition came to the fore during the campaign and personal allegiance displaced the moral guardianship that often transcended ethnic, race, and class barriers. Although women continued to view the contest in moral terms, they looked to their respective traditions to arrive at their interpretations of the issues and their decisions as voters, all in an effort to fulfill their obligations and social roles as mothers, wives, and daughters.

In Baltimore, and throughout the nation, the presidential contest of 1928 did not focus primarily on questions of policy, but rather on the candidates themselves. Both the tone of the campaign and the results of the election brought into sharp contrast the different cultures each candidate represented. Al Smith, governor of New York and the pride of New York City's Lower East Side, represented for many the modern urban America. With his gruff voice, cigars, flashy suits, and trademark brown derby, Smith fit the image of a wily city politician, and his rapid

4. I use the term "moral guardians" here to describe women's perception of their roles as the protectors and teachers of the values and traditions of their particular ethnocultural group as well as their role as the moral guide and protector of the family. For useful discussions of women's approach to politics as disinterested reformers see, Anne Firor Scott, "After Suffrage: Southern Women in the Twenties," *Journal of Southern History*, 30 (1964): 298–300; Melanie Gustafson, "Partisan Women in the Progressive Era: The Struggle for Inclusion in the Political Parties," in *We Have Come to Stay: American Women and Political Parties, 1880–1960*, Melanie Gustafson, Kristie Miller, Elisabeth Israels Perry, eds. (Albuquerque: University of New Mexico Press, 1999), 8–30; Kristi Andersen, *After Suffrage: Women in Partisan and Electoral Politics Before the New Deal* (Chicago: University of Chicago Press, 1996), 21–47. Evidence from the Baltimore League of Women Voters (BLWV) suggests that in Baltimore the BLWV was committed to acting as independent advocates for efficiency and public welfare in government. Speech given by Sadie Crocker upon being reelected president in 1927, League of Women Voters Papers, Series IVA Box 1, Archives and Special Collections, Langsdale Library, University of Baltimore, Baltimore; Adopted Constitution 1923: League of Women Voters, Series I Box I, Archives and Special Collections, Langsdale Library.

TABLE: Women Registrants, 1924-1936*

	Number of Registered Women				% Registered Voters				% Voting Age Population			
	D	R	O/D	Total	D	R	O/D	Total	D	R	O/D	Total
1924	46,345	34,005	7,566	87,916	18.6	13.7	3.0	35.3	9.6	7.0	1.6	18.2
1928	71,396	53,153	9,301	133,850	23.1	17.2	3.0	43.3	14.1	10.5	1.8	26.4
1932	83,693	46,228	7,239	137,160	25.3	14.0	2.2	41.5	15.9	8.8	1.4	26.1
1936	104,902	41,328	4,932	151,162	30.6	12.1	1.4	44.1	19.1	7.5	0.9	27.5

Source: Kent and Owens, *Maryland Almanac*, 1929

*D-Democrat, R-Republican, O/D-registered as Other or Decline

rise through Tammany Hall to national prominence in the early 1920s provided evidence of his political acumen. Moreover, immigrants often tended to identify with Smith as his successes lent support to the notions of social mobility described in the writings of Horatio Alger.

Although Smith's skill and personality earned him the respect of politicians throughout the Northeast and in other U.S. cities, he encountered several challenges as a national candidate. In addition to its advantage as the nation's majority party, the Republicans could claim credit for the state of the economy in 1928. As the candidate of a divided minority party, Smith was faced with the challenge of persuading voters that the Democrats, too, would be able to sustain such prosperity. The second challenge Smith faced in 1928 was the question of Prohibition. Derided by his critics as "Alcohol Al," Smith had endeared himself to opponents of Prohibition. Smith's opposition to the Eighteenth Amendment and the Volstead Act served him well in New York, yet his opposition to Prohibition became a political liability in the 1928 national campaign as he attempted to retain for the Democrats the support of a predominantly dry South.

Of all the challenges Smith faced, however, his failure to present himself to voters as a representative of the nation as a whole, rather than as a provincial politician, also limited his appeal. Moreover, it reflected not only the divisions within his party over issues such as Prohibition, but also an inability to reconcile two distinctly different cultures.⁵ As a Catholic in a predominantly Protestant country, Smith was at a disadvantage in national politics. The reaction among many Protestants to a Catholic presidential candidate highlighted the cultural cleavages in America and became central to the campaign.⁶ Smith's Catholicism, his ties to the immigrant communities, and his distinctly urban characteristics led many to view him as representative of the social changes of the 1920s, the increasing influence of foreign groups, and the growth of urban areas.

5. David Burner, *The Politics of Provincialism: The Democratic Party in Transition, 1918-1932* (New York: Alfred A. Knopf, 1967), 179-80.

6. For an extensive analysis of the role of religion in the election of 1928, see Allan J. Lichtman, *Prejudice and the Old Politics* (Chapel Hill: University of North Carolina Press, 1979.)



Governor Albert C. Ritchie (1876–1936) argued against religious intolerance in the 1928 campaign. (Maryland Historical Society.)

Smith's opponent, on the other hand, represented prosperity and the stability of traditional America. Republican candidate Herbert Hoover began his career not on the sidewalks of New York but in West Branch, Iowa. Born to Quaker parents and raised in small towns in Iowa and Oregon, Hoover represented old-stock Protestant America. From his success at Stanford University and accomplishments as an engineer, Hoover also projected the image of a self-made man. Moreover, Hoover's efforts as an administrator of relief during World War I and as Secretary of Commerce under Harding and Coolidge helped him establish a fine reputation as a public servant and had earned him such acclamatory titles as "the great humanitarian," and "the great engineer."⁷

In their efforts to mobilize women, party leaders and others articulated their pleas for votes and portrayed their candidates using a different political language than they had traditionally used when campaigning to men. In speeches and published notices, they placed a greater emphasis on the ways in which each candidate and his policy agenda would either enhance or threaten family life. And as women

7. Arthur M. Schlesinger Jr., *Crisis of the Old Order, 1919–1933* (1957, reprint Boston: Houghton Mifflin, 1988), 77–88; Lichtman, *Prejudice and the Old Politics*, 5–8; William E. Leuchtenberg, *The Perils of Prosperity, 1914–1932*, Second Ed., (Chicago: University of Chicago Press, 1958, 1993), 225–40.

Contemporaries often noted the strong relationship between evangelical Protestantism and Prohibition. In his response to Franklin Delano Roosevelt's 1928 post-election letter, which inquired about the reasons for Smith's defeat, Baltimore Democrat William Ogden wrote of the religious dimension of Prohibition:

In the South, the law had been preached as a part of Christian doctrine—a dogma, binding on the faith and consciousness of Church members, that enabled their preachers to vote them as a block—especially the women, who number about 4 to 1 in the congregations of the evangelical churches.¹²

In September, Earl Hoaxter, a local Methodist pastor prophesized, "The coming fight is to be one of the greatest ever held in the political arena. It is to be a holy war. Right against wrong, a saloonless nation against the dispute on the part of some to restore the hellish traffic."¹³ Ministers throughout the city echoed Hoaxter's sentiments in their efforts to rally women to the "dry" cause. Reverend Don Colt of the Methodist Episcopal Church of Govans, assailed Smith and urged women to "vote against the Governor of New York and all other candidates who are foes of Prohibition." And Reverend Dr. R.B. Jones of the University Baptist Church warned in a sermon attended by over 500 Baptists that, "no drunkards shall inherit the kingdom of God." Like Colt, Browning, and Hoaxter, other church leaders claimed, "if the country is to be saved [it] would be accomplished by the women of the country."¹⁴

Bishop James Cannon Jr. of the Methodist Episcopal Church South and a national champion of Prohibition, added his voice to those of the local ministers. Angered by Smith's nomination, Cannon had begun gathering Democratic support for Hoover and spoke out against Smith's Catholicism and his opposition to Prohibition.¹⁵ Protestant clergy throughout the South followed Cannon's lead.

Although Cannon spoke before an audience in Cambridge on the Eastern Shore, his words reverberated throughout the city. Baltimoreans voiced their opinions daily on these issues and there were mixed reactions to Cannon and the advocates of Prohibition. Such reactions tended to reveal multiple cultural divisions—not only between dries and wets, Protestant, Catholic, and Jew, but also between natives and immigrants, white and black. The Baltimore chapter of the Women's Christian Temperance Union (WCTU) echoed and endorsed these sentiments. Chapter president Mrs. Mary Haslup and Mary Armor of Georgia warned that Smith's election would bring an end to Prohibition and the return of lawless-

12. William Ogden to Franklin Delano Roosevelt, December 19, 1928, DNCP Maryland Pre-Election 252, FDRL, Hyde Park, New York.

13. *Baltimore Sun*, September 1, 1928, 6.

14. *Ibid.*, September 3, 1928, 18, 3; *Baltimore News*, September 3, 1928, 1; *Baltimore Sun*, October 1, 1928, 7; *Baltimore Sun*, October 26, 1928, 9.

15. Burner, 21; "Churches Mixing in the Political Fray," *Literary Digest*, September 15, 1928, 8–10.

responded to such pleas, they tended to focus their attention on two key issues, Prohibition and religion. Campaign rhetoric among both Democrats and Republicans quickly shifted from typical partisan ballyhoo and began to take on the tenor of a crusade as Prohibition and Smith's Catholicism quickly became the two most prominent issues.⁸ These issues became interrelated throughout the campaign, tended to overshadow any questions of policy that arose, polarized the electorate and divided it along cultural lines.

Throughout the campaign, the *Baltimore Sun* published numerous letters to the editor that focused on Prohibition. Daily editorial pages carried letters from women and members of the clergy warning that Smith's election would mark the return of the saloon and moral degradation. Letters and notices also arrived from doctors, businessmen, Democratic clubs, and the Maryland Division of the Association Against the Prohibition Amendment (AAPA), including women, arguing for modification of the Volstead Act and state control of Prohibition laws.⁹ With the development of the whispering campaign against Smith that claimed his Catholic allegiance to the Pope made him unfit to serve as president, the *Baltimore Sun* printed several letters that decried the introduction of religious bigotry into the campaign. Other letters, usually Hoover supporters, argued that the Democrats were responsible for the introduction of religion into the campaign and sought to gain support by playing upon religious loyalties. After a speech in Chicago, in which Governor Albert C. Ritchie devoted his time to the denunciation of religious intolerance and argued that religion and Prohibition were "the fundamental questions on which the American people were dividing in the campaign," Republican western campaign manager James Good slated Ritchie and the Democratic party for using Smith's Catholicism in "an attempt to influence Catholics."¹⁰

Ritchie's remarks, though criticized by Good, local Republican leaders, and readers of the *Sun*, proved to be an accurate appraisal of the situation in Baltimore, particularly with regard to women. As the campaign progressed, it became apparent that the questions of Prohibition and law enforcement became tied to religious concerns through the active involvement of the clergy in political discussions. The Protestant ministers that Ritchie and others derided as "political parsons," increasingly spoke out against Smith in their sermons and in letters to the editor. Such church leaders initially preached only the necessity of social reform, specifically Prohibition and the Volstead Act, to prevent social decline, but as the campaign wore on, the speeches and letters of more zealous prohibitionists were imbued with a rhetoric that was both nativist and anti-Catholic.¹¹

8. *Baltimore Sun*, October 4, 1928, 4; October 11, 1928, 1, 2; October 12, 1928, 10; "Churches Mixing in the Political Fray," *Literary Digest*, September 15, 1928, 8-10.

9. *Baltimore Sun*, September 3, 1928, 18, 3; September 9, 1928, 10; September 13, 1928, 12; October 22, 1928, 32.

10. *Ibid.*, October 12, 1928, 10; October 13, 1928, 1.

11. Text of Ritchie's Chicago speech is reprinted in the *Baltimore Sun*, October 11, 1928, 2.

Members of the Baltimore Women's Christian Temperance Union worked with Anti-Saloon League president Dr. George W. Crabbe to elect Prohibition advocate Herbert Hoover. (News American, UMCP.)



ness. Moreover, these women, like Cannon, advocated the continued restriction of immigration, stating that "the WCTU is interested in the foreigner and spent both time and money to make patriotic citizens out of those here . . . [but] we have all we can care for and a few more."¹⁶ In tandem with the BWCTU, Dr. George W. Crabbe, president of the Anti-Saloon League of Maryland endorsed Cannon's sentiments and the work of Mabel Walker Willebrandt, U.S. Assistant Attorney General. Willebrandt had appealed to Methodist pastors to persuade their congregations to support Hoover and Prohibition. Crabbe urged "all good women" to register and vote "in order to prevent the lawless element from having all the say."¹⁷

Other Baltimoreans were not as enthusiastic in their responses to Cannon and the so-called "political parsons." These women deemed such clerical involvement in partisan politics inappropriate and often found their rhetoric offensive. Letters to the editor, including one entitled, "America only for Cannonites," and another that accused Cannon of "trying to cover himself against the charge of bigotry and race prejudice with his talk of Prohibition and immigration," illustrated the resentment many Baltimoreans felt over the attacks of Cannon and others.

16. *Baltimore Sun*, October 3, 1928, 4.

17. "Mrs. Willebrandt's Appeal to the Methodists," *The Literary Digest*, September 29, 1928, 14-15; *Baltimore Sun*, October 9, 3.



Thousands of Baltimoreans lined the streets as Al Smith brought his campaign to the city on October 29, 1928. (News American, UMCP.)

Baltimore's Jewish community, comprising recently arrived Russian immigrants working in the garment industry and older, established German Jewish families, deeply resented the anti-Catholic rhetoric in the campaign. The *Jewish Times* published a sermon delivered by Rabbi Morris Lazon in which he noted, "I find it hard to understand how the two great Christian denominations, each worshipping God the Father and bound together as they are by the common tradition of Christianity, can deal with each other as they do in the present campaign." Referring to Cannon and the other "political parsons" Lazon described them as "modern Judases" for spreading such intolerance among their congregations. Another letter published by the *Jewish Times* was from Baltimore attorney Eli Baer in which he criticized the Bishop for his intolerance, charging "you have committed nothing short of sacrilege to speak as you have on the soil of the Free State of Maryland."¹⁸ Not only did the editors of the *Sun* and at times the *Jewish Times* note that prohibitionist's anti-Catholic rhetoric was prompting a drift among Jews and several immigrant groups toward Smith, but the editors of the

18. *Jewish Times* (Baltimore Edition), October 26, 1928, 22–23.

Afro-American noted increased support for Smith among Baltimore's African Americans. Finding common cause with Smith because of the religious attacks and an emerging disillusionment with the G.O.P., *Afro-American* editors and *Sun* writers noted that the black vote in 1928 was not as likely to support the Republican party as it had been in the past.¹⁹

Although the Catholic Church in Baltimore officially remained silent, its newspaper addressed the prejudice that dominated the campaign. Vincent de Paul Fitzpatrick, editor of *The Catholic Review*, carefully remained neutral while noting the connection between the whispering campaign "against one of the presidential candidates," the speeches of Cannon and others, and the question of Prohibition. He stated, "No matter what may be one's views on Prohibition and other questions, it is evident in this campaign that many of those urging Prohibition are decidedly intemperate in speech."²⁰

For Baltimore's women, the actions of Cannon and the "political parsons" pulled them into the political arena where these tangled issues then divided women according to their cultural backgrounds. Prohibition advocates viewed the law as "a great social experiment, noble in motive" designed to alleviate social ills resulting from alcoholism, curb alcohol-related abuse, reduce crime, and contribute to the moral uplifting of the nation based on Protestant tradition.²¹ For Prohibition opponents, however, it was not only a failed experiment but also one that violated individual liberties and states' rights, restricted the social customs of the working class, and foisted the customs of native-stock Protestants upon newer ethnic groups.²² Given these different perspectives on Prohibition, the combination of anti-Catholic and nativist rhetoric on the behalf of Prohibition advocates created an atmosphere that placed Prohibition opponents, Catholics, and various minority groups on the defensive. Women who found their values attacked openly in this bipartisan atmosphere knew that the arena no longer belonged exclusively to men. And women who felt their families threatened, either by "rum and Romanism," by the likes of Cannon and the "political parsons," or simply by the crime and "poison liquor" that were the products of Prohibition made the simple decision to become involved as partisans themselves.

The intertwined issues of Prohibition and religion were central to the mobilization of Baltimore's women, yet the efforts of party leaders and their machina-

19. *Afro-American* (Baltimore Edition), October 20, 1928, 1, 7; *Baltimore Sun*, September 23, 1928, 4, 20.

20. *The Catholic Review*, August 31, 1928, 4.

21. Hoover quoted in Leuchtenberg, *Perils of Prosperity*, 212-17; Lichtman, *Prejudice and the Old Politics*, 77-85.

22. A difficulty in examining women's views on Prohibition that should be noted is that little evidence exists regarding women and wet or dry sentiment in Baltimore. Although there was a citywide referendum on Prohibition in 1916, it was limited to the original twenty-four wards and excluded women who, at the time, were unable to vote.



Al Smith's motorcade, October 29, 1928. (Baltimore News-American, UMCP.)

tions to court the ladies' vote should not be understated. Given their understanding of women's interest in advancing social reform and their history of involvement in advancing issues of social welfare, party leaders sought to emphasize the "Progressive" or "humanitarian" aspects of their candidates' policy agenda. During the campaign, both parties witnessed the formation of women's political clubs in nearly all of the twenty-eight wards of Baltimore. Such clubs hosted and attended major rallies for both parties. These events drew large crowds and prominent speakers such as Governor, U.S. Senator William Cabell Bruce, Baltimore city leader and formal mayoral candidate William Curran, Senator Phillips Lee Goldsborough, G.O.P. Maryland State Chairman Galen Tait, and New York gubernatorial candidate Franklin D. Roosevelt. At each of these events, at least one speaker, often, though not always, a woman, spoke on behalf of their candidate and vouched for his credentials as a humanitarian—and, characteristic of the time and place, for his credentials as a gentleman.

In an event described by the *Sun* as the "most enthusiastic women's political meeting ever held in Maryland," more than a thousand women crowded a Democratic luncheon at the Alcazar Hotel to hear Mrs. Charles Dana Gibson of Vir-

ginia, and Frances Perkins of the New York Industrial Commission praise Governor Smith and his wife. Perkins chronicled Smith's career in New York and his efforts with child labor problems, tenement housing conditions, widow's pension laws, and factory conditions. Mrs. Gibson spoke to Smith's character and that of his wife. "As a Southern woman among Southern women, as the wife of my husband and the daughter of my father, I wouldn't dare to appear here to tell you that Governor Smith is a gentleman and Mrs. Smith is a lady unless I knew this to be a fact."²³ At an equally well-attended Republican women's rally, women made similar claims about Hoover and asserted that he was a gentleman and a tolerant man. A West Virginian spoke of his record as a humanitarian, citing his activities during World War I, and a Catholic woman argued "Mr. Hoover stands for those things that are most precious to American women—peace, tolerance, and the home."²⁴ Through the organization of such rallies and the formation of women's clubs and ladies auxiliaries of party organizations local leaders at the ward and precinct level worked to gain not only the support of women, but to get them out to the polls. Most importantly, however, party leaders learned to craft their campaign rhetoric to appeal to women's interests.

In 1928, local merchant and Democrat George S. Bond wrote to Franklin Roosevelt, "The women will be the biggest factor in this election."²⁵ And by November 8, there existed a consensus among Baltimore political analysts and party leaders that such an appraisal was accurate. Party leaders from Senators Bruce and Goldsborough to ward executives largely agreed that the women's vote was key to Hoover's victory in the city and the state. In Baltimore, a city notorious for its anti-Prohibition sentiment and where Roman Catholics represented 38 percent of all church members reported in the 1926 Census of Religious Bodies, many Democratic leaders and newspaper reporters felt a Smith victory was certain.²⁶ When Hoover won 51.7 percent of the vote in Baltimore and 16 of the 28 wards, Democratic leaders were, in the words of Maryland Democratic Congressional Committeewoman Gaither, "stunned."²⁷ What impressed local leaders more, however, was the activity of women throughout the campaign and finally on election day, when according to *Sun* reports, nearly "98 percent of those who enrolled cast ballots."²⁸

In the absence of polling data it is impossible to discern the exact turnout of Baltimore's women in 1928, but a useful proxy for the increased activity of women

23. *Baltimore Sun*, October 4, 1928, 3, 28.

24. *Ibid.*, October 25, 1928, 9.

25. George S. Bond, Baltimore, to Franklin D. Roosevelt, New York, undated, PPF Campaign of 1928: General Correspondence Maryland–Massachusetts, Container 5, FDRL.

26. Bureau of the Census, *Religious Bodies: 1926* (Washington, D.C.: Government Printing Office, 1930), 352, 369–71.

27. *Baltimore Sun*, November 8, 1928, 4, 26.

28. *Ibid.*, November 7, 1928, 3.

is found in the registration rolls. Drawing an unprecedented number of women into the electorate, the Hoover-Smith contest benefited both parties. Women's registration in both of the major parties increased substantially between 1924 and 1928. The Hoover-Smith contest resulted in substantial numeric gains with a 56.3 percent increase in membership in the G.O.P., a 54.1 percent increase in the Democratic ranks, and even a 23 percent increase among undeclared registrants. While there is no consistent pattern to the increase among Democrats, notable gains were made in heavily immigrant wards surrounding the harbor and those in East Baltimore. For Republicans, the most notable gains were made in the better-circumstanced wards 9 and 13 in the northern part of the city and in the recently annexed suburbs that surrounded old Baltimore.²⁹

After the election, Republican State Chairman Galen Tait noted that the G.O.P. had "made a special effort to get the women's vote," and according to contemporary observers such as political correspondent Frank R. Kent, Tait was right.³⁰ In his column on September 22, Kent described the strategies he saw being played out in the campaign. He indicated that Republicans in every state were "making a particular effort to capitalize and increase what they believe is the natural drift of the female vote to Hoover." He noted that the G.O.P. was changing its literature and campaign focus to "appeal to the female intelligence." Kent contrasted this with the Democratic Party's position that stated:

... there is no such thing as a distinctive female vote; that women are swayed by the same influences and arguments that sway men; that since women had the vote there is no instance in state or nation where the women voted one way and the men another on any issue; that the truth is most women vote the way the male heads of their families vote, and that as a rule the woman's vote is merely a "multiplication table." All it does is double the majorities.³¹

During the campaign, and particularly after the final votes had been tallied, Democrats learned a valuable lesson. Among the responses from Baltimoreans to FDR's post-election correspondence were letters from those who advocated greater efforts to mobilize women.³² Looking to future contests, Carville Benson argued that the "most important thing that we could possibly do would be to organize our Democratic women. The Republican party in our state, with the aid of certain preachers, certainly did this very much more successfully than we did..." Another

29. A Pearson's Product Moment correlation of .67 between average housing values and support for Hoover seems to suggest that mobilization efforts had a greater impact in areas of better economic circumstances.

30. *Baltimore Sun*, November 7, 1928, 3.

31. *Ibid.*, September 22, 1928, 1, 2.

32. Earland I. Carlson, "Franklin D. Roosevelt's Post-Mortem of the 1928 Election," *Midwest Journal of Political Science*, 8 (1964): 298-308.

Marylander, Hampton Magruder, described women's activity throughout the state and observed, "women have a trenchant lust for politics—and an insatiable desire to be part and parcel of a party organization; and covet place, prominence and prestige. . . . In the last campaign they felt they were engaged in a holy crusade, and themselves and all by themselves won the victory. They have become for the future, a dominant force that has to be reckoned with and must be given place and position."³³

Although the 1928 election did not mark a critical or realigning contest in Baltimore, its significance should not be overlooked.³⁴ The 1928 campaign vividly illustrated the clergy's capacity to influence political behavior by using their role as spiritual and community leaders to shape public opinion. The actions of church leaders prompted women to respond as moral guardians and therefore contributed to a substantial and unprecedented increase in political participation among women. This activity reshaped an entire campaign and afterward politicians were impelled to re-conceptualize their vision of partisan politics. With the widespread mobilization of women in Baltimore, the election not only expanded and made the active electorate more diverse, but also altered the landscape for politicians as they realized the need to address the concerns of women by giving greater attention to social welfare issues. These trends continued into the 1930s as more and more women became actively involved in partisan politics and played active roles in influencing policy during the Great Depression and New Deal.

33. Carville Benson, Baltimore, to Franklin D. Roosevelt, Albany, January 15, 1929, DNC National Committee Papers, Box 252 Maryland Pre-Convention A–Z, FDRL; M. Hampton Magruder, Upper Marlboro, to Franklin D. Roosevelt, New York, December 7, 1928, DNC National Committee Papers, Box 252 Maryland Pre-Convention A–Z, FDRL.

34. For an extensive analysis of voter realignment in Baltimore City during the interwar period, see Shannon Parsley, "Presidential Politics and the Building of the Roosevelt Coalition in Baltimore City, 1924–1936" (M.A. Thesis, University of Maryland Baltimore County, 2001).



Stripping cork trees in Spain, c. 1914. Most of the cork used in American products is imported from the Iberian Peninsula. Baltimore-based Crown Cork & Seal attempted to establish cork forests in the United States in the 1940s. (Orrin Chalfant Painter, William Painter and his Father, Dr. Edward Painter [Baltimore: The Arundel Press, 1914].)

Research Notes & Maryland Miscellany

The Cork Forest Industry In the United States

SAM SHELDON

In 1962, James J. Parsons published an article in *Economic Geography* that detailed the spatial distribution and characteristics of the cork oak (*Quercus suber* L.) forests of southern Spain and Portugal.¹ At the time, approximately 70 percent of the world's production of "cork" (the bark of the cork oak) emanated from the Iberian Peninsula, with the North African nations of Morocco, Algeria, and Tunisia accounting for most of the balance. Portugal and Spain retain their position today as world leaders of cork wood derived from the cork oak tree. During the late 1990s, the two countries annually accounted for over 75 percent of the cork wood extracted globally.² Although current research and writing on cork oak woodlands and cork production continues to focus on the lands of the western Mediterranean, this article examines a little known attempt to plant cork oak trees and establish the foundation for a cork forest industry in the United States.

Cork is a natural substance with no man-made substitute. Its unique cellular

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1. James J. Parsons, "The Cork Oak Forests and the Evolution of the Cork Industry in Southern Spain and Portugal," *Economic Geography*, 38 (1962): 195–214. Parsons' article was not the first to assess the Iberian cork industry, but it was, by far, the most scholarly and comprehensive. For earlier writings on the subject, see Nelson Courtland Brown, "Where the Bottle Stoppers Come From," *Nature Magazine*, 5 (May 1925): 297–98; W. O. Blanchard, "The Cork Oak," *The Journal of Geography*, 25 (October 1926): 241–49; and P. L. Buttrick, "The Romance of Cork," *American Forests*, 39 (March 1933): 110–13, 140.

2. Telephone interview with Mr. Jerry Doris, sales manager, Manton Industrial Cork Products, Inc., July 13, 1999. Portugal remains the global leader in the production of cork. A spring 2001 newsletter published by Cork Supply USA includes a statement by the president of the company that the 2000 cork harvest was the "best in years," and that the combined output of Spain and Portugal should yield approximately 250,000 tons of cork bark, with 68 percent of that total coming from Portugal. Portugal's cork forests are supervised and controlled by the Ministry of Agriculture, and the tree is protected by specific legislation ratified by the Portuguese Parliament. For a history of government regulations vis-à-vis cork plantations in Portugal, see Manuel Alves De Oliveira and Leonel De Oliveria. *The Cork* (Portugal: Tilgrafica, SA, 1994), 42–49.

construction makes it porous, flexible, and fire- and water-resistant. Furthermore, it floats and insulates against noise and cold. These physical properties enable it to be employed in an incredible variety of products. Nearly 99 percent of all harvested cork is utilized. The highest quality cork is commonly used as a bottle stopper. A cubic inch of cork contains 280,000 cells which act like balloons, contracting under pressure to fill a space and prevent leakage. Yet its porosity allows a beverage such as wine to breathe, thereby insuring the quality of the product.³ Its resistance to water penetration and low specific gravity makes cork ideally suited for maritime articles such as life preservers, buoys, and fishing net floats. During World War II, United States government regulations stipulated that adult life preservers should contain 5.5 pounds of high quality cork, and ring buoys were "buoyed" by canvas-covered cork molded into the familiar circle.⁴

Cork is employed in industry for sealing gaskets, machine parts, and joints. It serves as a sound insulator in recording studios and is used as floor and wall tile material. Bulletin boards are made of cork, dams and break walls are jointed by self-expanding cork materials, and NASA uses cork as insulation against the high temperatures of rockets reentering the earth's atmosphere. Cork is an essential component in baseballs, fishing rod handles, bobbers for fishing lines, and duck decoys. In recent years cork has become popular in the manufacture of decorative items such as drink coasters, table mats, and hot pads. A 1928 *Scientific American* article described the making of a black ink from the "impalpable dust that results when cork is calcined," and cork shavings are burned to produce "Spanish black," or "cork black," a paint used by contemporary artists.⁵

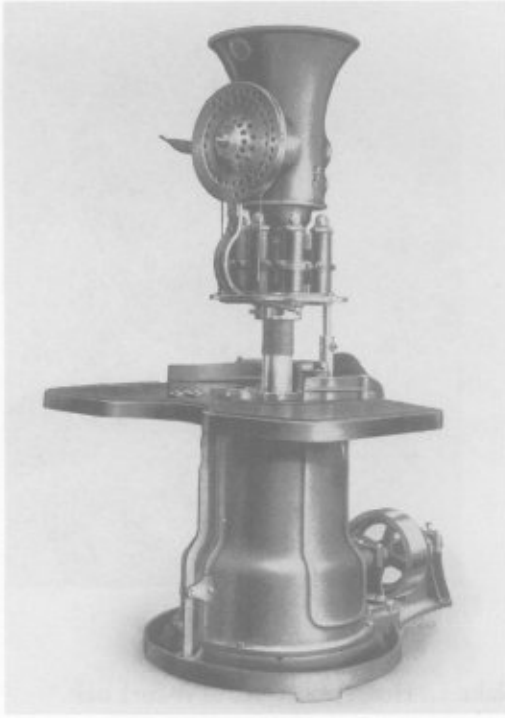
Although *Quercus suber* and utilization of the product that it produces have a history that antedates the birth of Christ, the story of North American cork is a relatively recent one. The earliest record of the tree growing in what is now the United States dates back to 1765. Noted botanist John Bartram discovered a cork oak near Charleston, South Carolina, during the course of a botanical fieldtrip through Georgia, the Carolinas, and Florida. Bartram wrote in his diary:

July 9 rose early and set out with John Dayeas . . . we came to ye house of a

3. Nicholas Mander, "The Bottle Stopper Tree," *Geographical Magazine*, 64 (Nov. 1992): 28.

4. Giles B. Cooke, "Cork, Bark of the Exotic *Quercus Suber*," *The Scientific Monthly*, 72 (March 1951): 175.

5. *Scientific American*, "The Origin of Cork Products," 138 (January 1928): 48. In parts of the Iberian Peninsula, cork was also known for its curative powers. Unable to detect the cause of an illness, stumped doctors would instruct their patients to walk around a large oak tree seven times in the belief that the strong and rugged tree would absorb the malady. Additionally, some medical personnel had their wards sleep inside especially large and hollow cork oak trees in the hope of alleviating the discomfort associated with hernias. James C. Townsend, "More Noble Than Wood," *The World & I*, 13 (July 1998): 205-10.



The Crown cork sealing device revolutionized the bottling industry (Painter, William Painter, 1914.)

trees at Chico in 1904.⁸ Despite these efforts, very few cork oaks grew to maturity. Inattentiveness, fire, and inclement weather destroyed most of the trees during their early stages of growth. It seems probable that the Spanish introduced the cork oak to California at around the same time they successfully transplanted olives, grapes, and other Mediterranean-type crops into the American Southwest.

Commenting on the efforts made to transplant the cork oak out of its native Mediterranean habitat and utilize it for commercial purposes, a writer for the March 1930 edition of *Dun's International Review* observed:

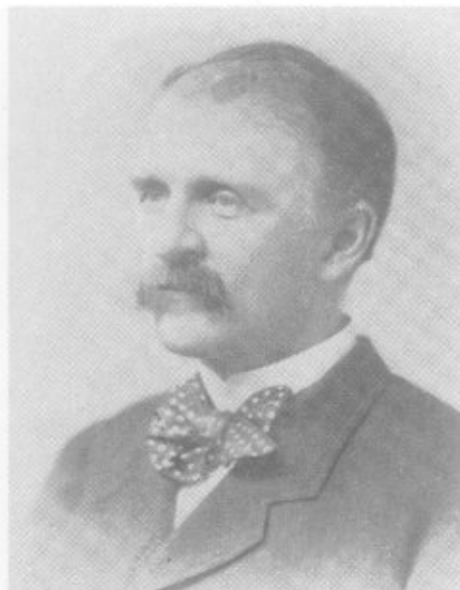
Attempts were made as early as the year 1859 to introduce the cork into the United States, where the requirements of the tree, as regards temperature and rainfall, could be met over a wide range of territory, but none of these efforts were successful. Also in recent years experiments have been carried out in southern California and Arizona, but, so far as known, no commercial cork has ever been produced on this side of the Atlantic.⁹

Despite that report, *Quercus suber* did take root in American soil. In 1929,

9. *Dun's International Review* (March 1930), cited in Arthur L. Faubel, *Cork and the American Cork Industry* (New York: The Cork Institute of America, 1938), 1.

10. Woodbridge Metcalf, "The Cork Oak Tree in California," *Economic Botany*, 1 (January–March 1947): 27.

William Painter invented the Crown cork seal.
(Painter, William Painter, 1914.)



Good natured Gentleman one Mr. Blake. . . . Here I saw A tree of ye cork oak ten foot high and 8 inches diameter clothed with A thin coat of cork.”⁶

Thomas Jefferson, a staunch advocate of the tree, believed it would thrive in the country’s warmer climates. In 1787, Jefferson shipped cork acorns from France to William Drayton, owner of a plantation near Charleston, South Carolina. Drayton received them three months later, at which time they could not be successfully planted. Jefferson subsequently sent additional packages of European cork acorns to the United States and continued to promote the planting of the cork tree until his death in 1826.⁷

Jefferson’s efforts to initiate cork oak plantings in America failed, but the fascination with *Quercus suber* remained high in certain government sectors. Thus, in 1858, the U.S. Patent Office imported cork acorns from Spain and distributed them in California and a number of southern states. The federal government also purchased, distributed, and planted cork acorns in Arizona, California, and southern states such as South Carolina and Florida during 1880 and again in 1914. Additionally, the University of California planted approximately six hundred

6. John Bartram, *Diary of a Journey Through the Carolinas, Georgia and Florida* (Philadelphia, 1791). Cited in Giles B. Cooke, *Cork and the Cork Tree* (New York: Pergamon Press, 1961), 72.

7. Cooke includes a series of letters written by Jefferson between 1786 and 1826 to American acquaintances in which he repeatedly promoted the idea of growing cork oaks in the United States. See Cooke, *Cork and the Cork Tree*, 73–77.

8. Victor A. Ryan and Giles B. Cooke, *The Cork Oak in the United States*, The Smithsonian Report for 1948, 355–56.

Woodbridge Metcalf, an extension forester employed by the University of California, conducted a census of cork oaks in California. Cork trees had been planted in California as early as the 1850s, and Metcalf identified five thousand trees of moderate to large size growing in thirty different counties.¹⁰ An accounting of *Quercus suber* in other parts of the country revealed that Arizona housed approximately forty trees in the mid-1940s, and sixty to seventy were widely scattered throughout the southeast from Virginia to Florida.¹¹

The planting and cultivation of cork oaks lagged in the United States during the nineteenth century, but an American factory producing cork stoppers was in operation by the 1830s. The founder of this country's cork cutting industry was Stephen King, who established his first factory in New York City shortly after emigrating from Europe. King's great-grandaughter detailed the relationship between her family and U.S. cork manufacturing in a 1940 article that appeared in the *Perth Amboy News*:

With the idea of establishing a new industry in America there sailed from Rye, England, a little over a hundred years ago, in 1829 to be exact, a cork manufacturer named Stephen King. He settled with his wife and family in New York where he started the first cork factory in America. *Longworth's New York Directory* for the years 1831-1832 has his name listed thus, "Stephen King & Co., Cork Cutters, 192 Water Street. After a year or two the words "company" and "cutters" disappear after the name and the listing is "Stephen King, Corks." In 1848 a new dealer in corks appears at the Water Street address. It is William King. He is the son of Stephen.¹²

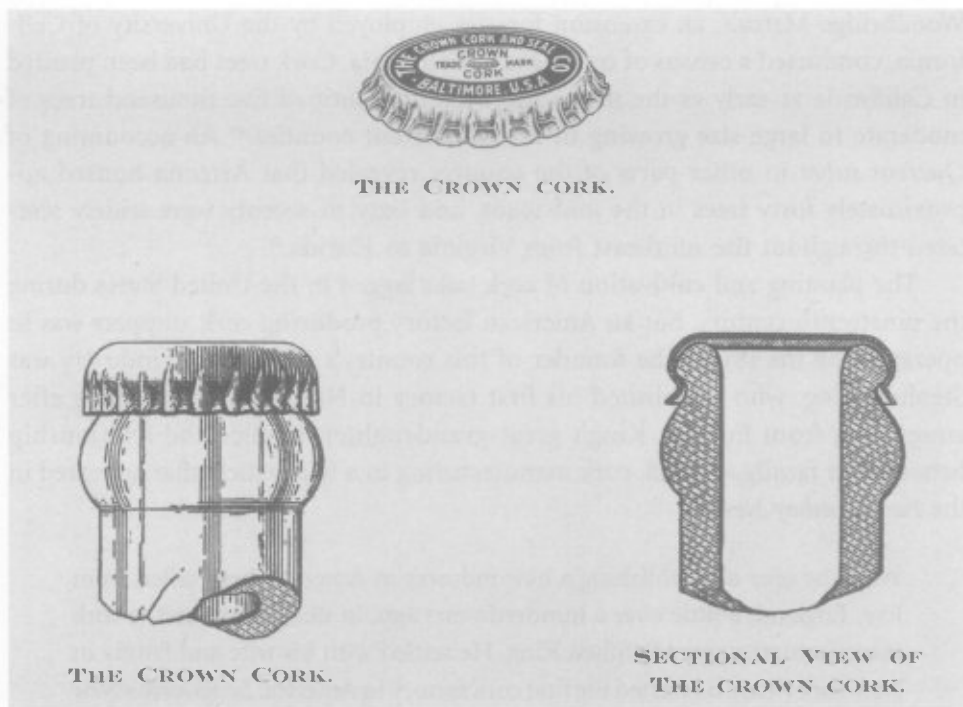
By 1850 cork manufacturing was flourishing in the United States. The decennial census for that year reported a total of fourteen cork factories employing just over one hundred workers. As the twentieth century dawned, the numbers increased to sixty-two establishments and twenty-three hundred employees.¹³ Bottle closures remained the dominant aspect of the manufacturing process, but an increasing share of raw material was converted to insulating material and flooring. Most factories were located in cities situated along the Atlantic seaboard, and all purchased their supply of cork oak from western Mediterranean countries.

As manufacturing became an integral part of the American economy during the early decades of the twentieth century, cork oak became an increasingly valuable commodity in a myriad of industrially produced goods. The United States

11. Giles B. Cooke, *The Planting and Growing of Cork Oak Trees in the United States* (Baltimore, Md.: Crown Cork & Seal Company, Inc., 1947), 21. Cooke also included a list of "outstanding" groves and individual cork oak trees in fifteen different states.

12. *Perth Amboy Evening News*, February 17, 1940. William King is generally acknowledged to be the founder of the American cork manufacturing industry.

13. Faubel, *Cork and the American Cork Industry*, 23.



Crown corks and bottle caps. (Painter, William Painter, 1914.)

subsequently emerged as the world's largest consumer of *Quercus suber* bark, and by the pre-war years of the 1930s approximately 160,000 tons of cork were annually imported by U.S. manufacturing establishments. It was also during the 1930s that a concerted effort to plant forests of cork oak trees with the intention of creating a domestic industry was initiated.

America's potential for growing cork oak was recognized as early as 1929 when J. Russell Smith wrote, "Apparently there is no reason except inertia why we should not in time have an extensive cork industry in the United States, The tree is remarkable in it's ability to survive both the drought of California and the humidity of the Cotton Belt."¹⁴ The individual responsible for initiating the first organized effort to establish a domestic cork industry was a Baltimore business man named Charles E. McManus. McManus was the long-time president and chairman of the Crown Cork & Seal Company of Baltimore, Maryland. He was also a pioneer in the bottle closure field and his inventions contributed significantly to the growth of the industry during the twentieth century. His predecessor, company president William Painter, formerly a Baltimore machine shop foreman, invented the "crown cork," a metal closure lined with a cork disc about one-tenth

14. J. Russell Smith, *Tree Crops: A Permanent Agriculture* (New York: Harcourt, Brace and Company, 1929), 139–40.

of an inch thick that formed an airtight seal and capped the pouring mouth of bottles. After Painter received a patent for his invention in February 1892, he founded a manufacturing firm bearing the name, the Crown Cork & Seal Company. In subsequent years, Crown Cork & Seal established a number of "firsts" in the bottling industry, including invention of an automatic crowning machine that attached the "crown cork" to the bottle, composition cork discs (e.g., a mixture of cork and an adhesive material), and "spot" crowns (crown corks to which a "spot" or disc of liner material is added).¹⁵

Painter's inventions revolutionized the bottled beverage industry. Before the "crown cork," sealing devices for bottles were numerous and varied in their conception. Many were complicated, few were efficient, all were expensive and none were suitable for automatic high-speed bottling. The "crown cork" resolved all of these shortcomings. The bottling industry rapidly expanded, and the American public became the beneficiaries of a large and diversified range of bottled beverages.

As one of the basic raw materials in the new bottle cap, cork became an import of great significance to the Crown Cork & Seal Company. By the 1930s, Crown was the biggest consumer of cork in the United States and annually imported an average 10,000 tons.¹⁶ The company's corporate officers traveled to Portugal and Spain to negotiate deals with the owners of cork tree woodlands and to conduct on-site inspections. Charles E. McManus possessed a keen knowledge of the tree and its potential for producing a quality product and he frequently visited the cork oak forests of Europe and Africa.

In 1939, while attending a soft drink bottlers convention in San Francisco, he learned that a number of cork oak trees grew in the area. Shortly thereafter, he visited the campus of Stanford University to examine a *Quercus suber* that had been planted half a century earlier. McManus requested permission to remove some bark, and upon examination he concluded that it was excellent virgin cork. In subsequent weeks, McManus traveled throughout the state searching for stands of cork oak trees and assessing bark quality. Impressed with his findings, McManus recognized the potential value of growing cork oak trees in the United States and he embarked on an ambitious program that became known as the "McManus Cork Project."

McManus designed the project around several objectives. Plans included establishing a cork tree growing industry within the United States that would eventually supply a portion of the nation's cork requirements and reduce its total dependence on foreign sources, improve the appearance of the American land-

15. Crown Cork & Seal Company Inc., *Story of the Crown Cork* (Baltimore, Md.: Crown Cork & Seal Company, 1949): 44-45. Painter was a prolific inventor who received over eighty patents during his lifetime.

16. Personal interview with Charles E. McManus Jr., Baltimore, Maryland, August 9, 1997.

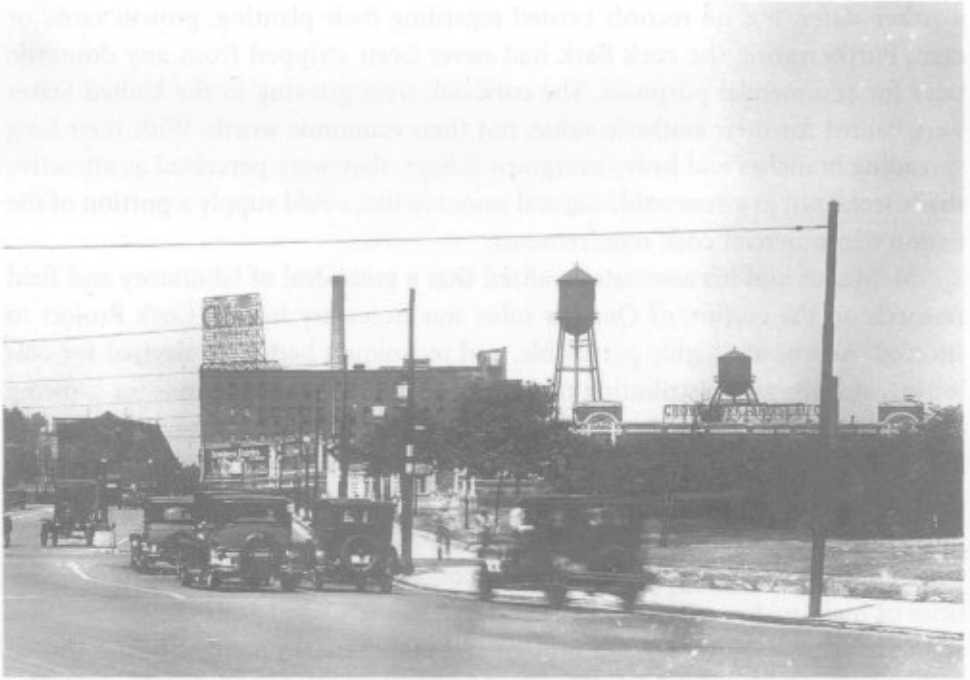
scape via the addition of an attractive ornamental shade tree, and garner profits and nationwide publicity for McManus and his company. Publications of the period frequently noted that accomplishing the first objective was of paramount importance. Cork was utilized in a variety of industrial and commercial products during peacetime and during periods of international conflict it became a particularly vital raw material. The American military required large quantities of cork for life belts and cold storage packing during World War I. The increasingly sophisticated weaponry of the 1930s and 1940s employed cork in many new ways. In 1940, cognizant that the Mediterranean region had a virtual monopoly on cork production and that the European conflict threatened cork exports to the United States, the U.S. Army and Navy Munitions Board identified cork as one of fifteen "critical materials," essential to national defense. The "critical" nature of cork was explained in a 1941 article that appeared in *Domestic Commerce*:

For centuries cork has been an important item of commerce and until recently its uses have been almost entirely associated with peacetime pursuits. With the coming of mechanized warfare, however, cork has become a critical material and one for which few satisfactory substitutes have been found. Cork now goes to war in many forms. In the Army it is used for cartridge plugs, bomb parts, as a cold storage insulation, and in the manufacture of motor vehicles, tanks, airplanes and numerous other articles essential to the conduct of modern warfare. In the Navy it finds the same and many additional uses such as for life preservers and sweat preventers in undersea craft.¹⁷

Even after World War II ended, the potential for cork shortages during future international crises and the attendant need for a domestic cork tree industry weighed heavily on the minds of some. Victor A. Ryan, director of research for the Crown Cork & Seal Company, noted in 1948 that:

The importance of cork to our Nation's economy cannot be overlooked or underestimated; we must have an uninterrupted supply of this vital raw material. American industry requires annually about 160,000 tons of cork. . . . Since we have no cork forest industry of our own, the entire amount is imported from southern Europe and northern Africa. At present the supply is adequate and demands are being met satisfactorily; but there is always the uncertainty and unpredictability of the future. War or some other contingency may at any time cut off, or seriously curtail, the western movement of cork. Hence the necessity for safeguarding our national cork economy with

17. Mary V. Day, "Cork Goes to War," *Domestic Commerce*, 28 (16 October, 1941): 3-6.



Crown Cork & Seal headquarters. (Maryland Historical Society.)

a forest industry that will produce at least enough cork to meet the minimum demands of a national emergency.¹⁸

Charles McManus knew that it required at least twenty-five years before a newly planted cork oak tree began producing a satisfactory commercial product, and he subsequently envisioned his project as one that would establish the foundation for a domestic cork growing industry. He believed this could be achieved by planting large numbers of trees in every state where climatic and edaphic factors were favorable for *Quercus suber*. With this goal accomplished, those states in which cork trees gave promise of being a suitable tree crop would initiate a commercial planting program. Furthermore, when the trees established through the cork project attained maturity, they would produce the acorns necessary for planting additional trees in succeeding years.¹⁹

The attempt to create a cork forest industry in North America was a daunting undertaking fraught with numerous problems. Relatively little was known about *Quercus suber*, and public knowledge regarding the harvesting and processing of cork was virtually nonexistent. Cork trees were located in at least eleven warm

18. Victor A. Ryan, *Some Geographic and Economic Aspects of the Cork Oak* (Baltimore, Md.: Crown Cork & Seal Company, Inc., 1948), 16.

19. Cooke, *Cork and the Cork Tree*, 81.

weather states, but no records existed regarding their planting, growth rates, or care. Furthermore, the cork bark had never been stripped from any domestic trees for commercial purposes. The cork oak trees growing in the United States were valued for their aesthetic value, not their economic worth. With their long spreading branches and heavy evergreen foliage, they were perceived as attractive shade trees; not as a renewable natural resource that could supply a portion of the nation's commercial cork requirements.

McManus and his associates realized that a great deal of laboratory and field research on the culture of *Quercus suber* was necessary for the Cork Project to succeed. Acorns are highly perishable, and techniques had to be devised for collecting, storing, and distributing them. The correct nursery methods for growing cork seedlings as well as the proper techniques for lifting, packing, and planting had to be determined. It was necessary to ascertain which of the warm weather states possessed the ideal environmental conditions for growing cork trees. The most suitable planting season in those states had to be identified. Finally, field-work and laboratory experiments had to conclusively prove that sufficient quantities of high quality cork could be produced in the United States.²⁰

Research on the cork tree's growth and commercial potential in the United States spawned a number of publications during the late 1940s and early 1950s. The most comprehensive was a manuscript penned by Crown Cork's Victor A. Ryan entitled, *Some Geographic and Economic Aspects of the Cork Oak*. Ryan had initially addressed the issue of a North American cork industry in a 1942 pamphlet entitled *Potential Cork Areas in the United States*, but in 1948 he elaborated upon his earlier work and provided an exquisitely detailed statistical analysis (accompanied by a series of maps) of what he calls the "cork potentiality" for the country. In the foreword he explains why the 1942 publication was being updated:

Plantings, under this project, have gained such impetus that it appeared necessary to make this comprehensive study of the natural environment of cork growth in order to supplement the writer's previous work with more accurate information of a quantitative nature and in order to furnish present and future growers of domestic cork with a more scientific basis on which to work, and with a more complete knowledge of the geographic conditions under which cork is growing in its natural habitat. It is felt that the climatic regional divisions of the previous work are too broad in their scope and are not accurately indicative of the potential areas in this Country. By this study it has been possible to ascertain that cork, in its natural habitat, is growing under twenty-seven different physicogeographic environments. The data, derived from this study, were used to lay down, in a map of the United States, potential cork areas similar in environment and rate of growth to those of

20. Ibid., 82.

TABLE I: *Quercus suber* Acorn Distribution: 1940-49

Season	Pounds of Acorns
1940-41	500
1941-42	1,450
1942-43	7,500
1943-44	7,900
1944-45	13,800
1945-46	10,200
1946-47	14,100
1947-48	7,300
1948-49	7,635
Grand Total	70,385

Source: Giles B. Cooke, *Cork and the Cork Tree* (New York: Pergamon Press, 1961), 87-88. Cork oak acorns average ca. 80 to the pound.

the natural habitat of the cork oak and to predicate the "cork potentiality" of our Country.²¹

Given a climatic milieu conducive to the growth of *Quercus suber*, it was not surprising that California contained most of the acorn-bearing cork oak trees in the United States. And as acorns were the basic raw material required to build a viable cork oak industry, California became the focus of the McManus Cork Project. By 1940 a cooperative cork oak program commenced in California, jointly sponsored by the University of California, the California State Division of Forestry, the California Forest and Range Experiment Station, and Crown Cork & Seal Company's Pacific coast subsidiary, the Western Crown Cork & Seal Corporation. The goals of the program included:

- (1) Listing of all cork oak trees and plantations in California as a basis for collection of sufficient acorns to carry on the growing of trees and the determination of the quality of cork produced by California trees
- (2) Collection of acorns for propagation and free distribution of from 20,000 to 30,000 cork oak trees per year . . . and shipment of acorns as required to start the program in other states
- (3) Stripping of sufficient trees of various sizes throughout the state to determine amount and quality of California grown cork, feasible stripping dates and tools and methods of carrying on the work with minimum damage to the trees

21. Ryan, *Some Geographic and Economic Aspects of the Cork Oak*, 11-12. Toward the conclusion

- (4) Determination of geographical and altitudinal limits within which the cork oak may be grown with moderate attention.²²

California may have been the epicenter of the McManus Cork Project, but it was by no means the only state where acorns were distributed and planted during the 1940s. Indeed, any location where old cork oaks were discovered growing was deemed viable for planting *Quercus suber*. Thus, the Project extended to Virginia and the Carolinas, the Gulf Coast states, Arkansas, Texas, and Arizona. Additionally, warmer portions of adjoining states, with climates comparable to that of areas producing mature cork trees, were viewed as possible areas for cork plantings. In an effort to ascertain the environmental limits of cork trees in the United States, Ryan and his associates conducted a detailed study of the temperature, rainfall patterns and edaphic conditions of the cork forest regions of the western Mediterranean region and compared the data with North America's climates and soils. As a result of this study, the group produced a map depicting the country's "positive potential" and "quasi-potential" cork areas. The "positive potential" area was deemed the most suitable location in which to build the nation's cork forest industry because it was similar to the Mediterranean region in terms of climate and *Quercus suber* growth rates.²³

Victor Ryan's research was an integral part of the McManus cork project, but it was a low-profile undertaking in what quickly became a much ballyhooed program centered on collecting, distributing, and planting cork acorns. The McManus Cork Project, under the aegis of the Crown Cork & Seal Company, assumed the costs of collecting cork acorns and dispensing them to interested parties. A nationwide search was launched in the late 1930s to locate mature cork oaks, and the acorns they produced were gathered and temporarily placed in cold storage in local distribution centers. Cork acorns were initially parceled out in 1940, and, by the end of the decade over five million had been distributed throughout the warmer regions of the United States. Table I depicts annual dispersements between 1940 and 1949.²⁴

Almost all of the cork acorns utilized as raw material during the 1940s grew in California. During the 1945-46 season, for example, 10,200 pounds of acorns were apportioned, of which California contributed over five tons. Based on the

of his work Ryan notes that the cork oak's "potentiality lies solely in its economic position with respect to cork production." (51).

22. Metcalf, "The Cork Oak Tree in California," 27.

23. Ryan and Cooke, *The Cork Oak in the United States*, 369-72. With regard to the "quasi-potential area," the authors note that "no stripping has been done in the area, but specimens have been sporadically cut from a limited number of trees, and, in all instances, the cork has been found to be of inferior quality to that in the positive area. It did not compare favorably with the poorest grades of Mediterranean virgin growth."

24. Cooke, *Cork and the Cork Tree*, 87-88.

research of Ryan and his associates at Crown Cork & Seal, acorns were shipped to those states where conditions for growing cork oak were deemed most favorable. In some instances they were also provided to interested parties residing outside "ideal" cork producing areas. Most were shipped to state foresters who planted the acorns in state nurseries or distributed them to local landholders. Many were mailed in small packages to individuals for immediate planting. Individuals and/or organizations responsible for planting the acorns/seedlings assumed proprietary rights over the mature cork oak tree.

The Cork Project garnered enthusiastic support from a number of public and private organizations. The United States Forest Service, State Departments of Forestry, forestry schools in various universities, extension foresters, vocational agriculture teachers, and local agricultural agents cooperated in disseminating seedlings or acorns to their constituents. Their efforts were frequently preceded by a ceremony designed to publicize the Cork Project and its sponsor, the Crown Cork & Seal Company. Around 1940, McManus placed Giles B. Cooke in charge of the Cork Project. As chief of the company's research department, Cooke traveled throughout the Southeastern United States examining cork oaks and familiarizing himself with the trees' environmental requirements and economic potential. Cooke initiated the idea of making the first cork planting in each community a public relations event. His goal was to have one *Quercus suber* on the grounds of every state capitol in the region. He stipulated that cork trees would be planted on capitol grounds (and acorns thereafter distributed at no cost to local organizations or individuals) if three conditions were met. The governor must do the planting on Arbor Day; the program had to be sponsored by a local woman's organization (e.g., the Garden Club); and a minimum of fifteen minutes of local radio programming time be allotted to the ceremony.²⁵ By 1948 governors of eleven states had planted cork oak trees on the grounds of their respective capitols, and trees were also planted in a number of county seats throughout Georgia and South Carolina.²⁶ For Charles McManus, who attended many of the ceremonies, these trees were never envisioned as future economic resources. Instead, he saw the plantings as tacit recognition by local officials of the importance of *Quercus suber* to the country.

Young people were an integral part of the McManus Cork Project. Boy and Girl Scout troops were enlisted to watch cork oak trees and gather freshly ripened acorns when they fell in November and December. Extension foresters shipped

25. Phone interview with Charles E. McManus Jr., July 15, 1996.

26. At least one state issued a commemorative postcard in conjunction with the tree planting event. Florida's Governor Spessard L. Holland is depicted shoveling dirt around a newly placed *Quercus suber* in the state capitol grounds in Tallahassee on December 12, 1944. An inset of a plaque notes that the tree was presented by Charles E. McManus to Florida to "encourage and promote the culture of cork oak".

acorns to local county agents in warm weather states, and the agents distributed them to 4-H club members. Future Farmers and Future Homemakers of America planted acorns, and seedlings were sent to vocational agricultural teachers for dissemination among high school organizations. Everyone who received acorns or seedlings also received planting instructions indicating how planting sites should be prepared, provided planting directions, pointed out the threats from rodents, and made suggestions regarding the care of trees. Accompanying sketches illustrated the major aspects of acorn planting and tree care.²⁷

Despite these efforts, the Cork Project began to lose steam by the late 1940s. Charles McManus, the founder and driving force behind the project, died in 1946. Additionally, the fear that World War II would curtail the supply of cork to the United States never materialized. In September 1939, when war broke out in Europe, the United States imported 63,403,483 pounds of cork wood and 164,171,282 pounds of cork waste. A year later the respective figures for wood and waste were 107,403,453 and 210,932,600 pounds.²⁸ One observer of America's cork industry noted that, despite the European conflict, "imports of raw cork since the War broke out have continued in very satisfactory volume."²⁹ Cork flowed unimpeded to America because operations on the Iberian Peninsula remained intact throughout the war years, and United States requirements were met by shipping the raw material on a cooperative basis from Portuguese port cities, most notably Lisbon. The Crown Cork & Seal Company, long the nation's largest manufacturer of cork products, annually imported ten thousand tons of cork oak during World War II, an amount that differed little from its 1930s peacetime requirements. If there was any problem with imported cork during the war years, it was one of quality, not quantity. On average, about 50 percent of the cork oak arriving in the factories of Crown Cork & Seal during the early and mid-1940s was of inferior quality, contaminated with sand and dirt particles. Most of the cork oak had to be ground up and washed before it could be used in a variety of strategic and non-strategic materials.³⁰

There was also a growing realization among supporters of the Cork Project that it would take decades before sizable amounts of high grade cork could be harvested from American trees. Strippings from extant mature trees were beginning to produce cork oak comparable in quality to that of the western Mediterranean region, but cork harvested from the few thousand *Quercus suber* trees scattered throughout the United States in the late 1930s and 1940s could only fulfill a small portion of the nation's requirement. The future of the country's cork indus-

27. Cooke, *Cork and the Cork Tree*, 84.

28. U.S. Department of Commerce, Bureau of the Census, in Cooke, *Cork and the Cork Tree*, 69.

29. Arthur L. Faubel, *Cork and the American Cork Industry*, Revised Edition (1941): 142. A number of non-strategic industrial enterprises did restrict their use of cork during World War II. Linoleum manufacturers, for example, substituted wood-flour filler for granulated cork in their finished products.

try rested with the millions of cork acorns distributed (and hopefully planted) during the 1940s under the auspices of the McManus Cork Project. The trees spawned by those acorns would not begin producing a high quality raw material for at least a half century after they were planted. By the late 1940s even the staunchest backers of the McManus Project began to express doubts about its efficacy. An article in the *Smithsonian Report of 1948*, authored by Victor Ryan and Giles B. Cooke. They noted that "the progress made since the initiation of the McManus Cork Project is very gratifying," and furthermore, "the past 8 years of successful work give confidence and efficiency to those planting and growing trees." However, in a later section of the same paper they wrote:

Although there are upward of 4,000 oak cork oaks and nearly a million new plantings scattered in 24 States, we must face the fact that the cork oak is not yet grown in the United States in commercial quantities and that we are virtually without experience in its growth as a crop. Therefore, before a cork-forest industry becomes a reality in this country, there is much to be done in the way of organized research and systematic planning in order to establish the essential foundations of such an industry.³¹

As previously noted, the estimated amount of cork annually required by U.S. manufacturers was 160,000 tons. Ryan and Cooke calculated that twenty-eight million cork oak trees planted on a million acres of land could, in time, meet that demand and make the country self-sufficient in cork. However, because the national supply of acorns was limited, they suggested a "progressively planted" forest that at the end of twenty-two years would have the requisite number of trees to meet the nation's demand for cork.³² But this would only represent the raw material from which the bark was stripped. The yield from this twenty-two-year forest would, as Ryan notes, "meet the country's requirement of 160,000 tons per annum in the 79th year."³³ The dedication required to achieve the goal of such a long-range project would require generations of research, promotion, planting, and harvesting—a daunting task.

30. McManus interview, August 9, 1997.

31. Ryan and Cooke, *The Cork Oak in the United States*, 359. It is worth noting that while Ryan and Cooke stressed the commercial potential of *Quercus suber* to the very end, the founder of the McManus Cork Oak Project viewed it in a much different way. Charles E. McManus Jr. believes that, from the very inception of the project, his father never seriously contemplated the project itself as a significant economic opportunity for Crown Cork & Seal. According to Mr. McManus, his father knew it took the tree decades to produce the high quality bark required in the company's products. McManus also contends that his father enjoyed the publicity generated by the project. That publicity raised the public's level of awareness of Crown Cork & Seal products, and attendant sales doubtless enhanced the company's coffers.

32. Ibid: 373.

33. Ryan, *Some Geographic and Economic Aspects of the Cork Oak*, 80.

The changing technology of the bottling industry also contributed to the demise of the McManus Cork Project. The Baltimore facility of Crown Cork & Seal initiated experiments with plastic caps in the late 1930s, and, within a decade, plastic was replacing cork as the manufacturer's choice for bottled beer and carbonated beverage closures. Indeed, Crown Cork & Seal Company, the leading importer and manufacturer of cork stoppers in the United States for most of the twentieth century, no longer uses cork in any of its products.³⁴

The McManus Cork Project survived until the late 1950s. However, the project had largely run its course by the end of the 1940s. Whereas 248 trees were stripped in 1940, the number harvested in 1948 had dwindled to twenty-five, and no cork stripping occurred after that year. Acorns continued to be distributed into the 1950s, but the numbers (and accompanying publicity) also diminished greatly. Literature on the McManus Cork Project generally limits its life span from 1939 to 1949. Cooke, one of the leading proponents of the project, wrote in 1961 that "having attained its primary goal of establishing a number of cork trees in the potential cork oak areas of the United States, the cork project was terminated early in 1949."³⁵ However, Charles McManus Jr., son of the project's founder and vice-president of operations for Crown Cork & Seal, continued to promote the idea of planting cork oak trees in the warmer climes of the United States as ornamental shade trees until 1959. The following year, Crown Cork & Seal was sold to outside investors, and the sale officially sounded the death knell of the attempt to establish and promote a cork oak industry in the United States.³⁶

The McManus Cork Project was a highly publicized but short-lived attempt to establish the essential foundations of a cork forest industry in America. Although it failed to achieve its ultimate objective, the project did enhance the aesthetic landscape of parts of the country, and it remains an interesting footnote in the agricultural history of the United States.

34. Phone interview with Neil Mitchell, Crown Cork & Seal Company, Inc., June 3, 1996.

35. Cooke, *Cork and the Cork Tree*, 111. Cooke also concluded that the nation's future cork requirements would be met by importing the raw material from the Mediterranean region, and the world's commercial cork from the forests of Europe and Africa.

36. The Crown Cork & Seal Company is currently headquartered in Philadelphia. As the world's leading packaging company, it operates over 240 plants in fifty-nine countries, employs approximately forty thousand people, and manufactures one out of every five beverage cans used in the world. *Quercus suber* continues to thrive throughout California and in a number of southeastern states where it enhances landscape aesthetics and minimizes soil erosion. Its commercial cork potential remains non-existent, however, because the United States lacks skilled laborers to strip the trees, and there are no production capabilities on the West Coast where *Quercus suber* is found in greatest profusion. The prohibitive costs of shipping cork to East Coast manufacturers from California precludes any widespread use of the product for domestic purposes. Phone interview with Jerry Doris, sales manager of Manton Industrial Cork Products, Inc., July 13, 1999. Manton is currently the largest importer of finished and semi-finished cork products in the United States.

Library Notes

Daniel Carroll's Letter Concerning the Treaty of Paris, 1783

BEATRIZ BETANCOURT HARDY

After the British surrendered at Yorktown in 1781, negotiations to end the American War of Independence began in earnest in Paris. Negotiating for the fledgling United States were Benjamin Franklin, John Adams, John Jay, and Henry Laurens; Richard Oswald, a wealthy merchant, led the negotiations for Britain. The American diplomats soon realized that their interests did not coincide with those of their European ally, France, and France's ally, Spain. Consequently, the Americans negotiated separately with the British. Numerous issues had to be settled, including the boundaries between the United States and the British colony of Canada, fishing rights, American use of the Mississippi River, the settlement of pre-war debts owed by Americans to British merchants, and the treatment of Loyalists.

The British, tired of fighting a war that was unpopular at home, eventually agreed to terms quite favorable to their quondam colonies and signed a preliminary treaty on November 30, 1782. The American diplomats sent news of the treaty to Congress via a ship commanded by Captain Joshua Barney of Maryland. Barney arrived in Philadelphia, where Congress then met, and delivered the news on March 12, 1783.

That same day, Daniel Carroll, a representative from Maryland, wrote to an unknown correspondent (see following pages), describing the terms of the treaty and emphasizing its most important point—"our Independence fully acknowledged." Recently, Vernon and Lucy Wright generously donated the original of this letter to the H. Furlong Baldwin Library of the Maryland Historical Society.

The negotiations with Sweden mentioned by Carroll met with success. Sweden and the United States signed a treaty of amity and commerce on April 3, 1783; the United States earlier had signed similar treaties with France and the Netherlands. The United States and Britain formally signed the final Treaty of Paris on September 3, 1783, on terms similar to those laid out in the preliminary treaty discussed in this letter. France and Spain made peace separately with Britain.

D^r J.Ph^l. March 12th 1703

It is some time I rec^d of you in ex-
pecting Mr Jefferson - I have been in daily expectation, of
hearing something agreeable, at least conclusive, on the impor-
tant object you are so properly anxious about - Capt.
Barney Barney arrived here this morning from France - he
left L^e Orient the 17th of Jan^y with a British passport, &
& brought dispatches for Congress they have not all been
yet rec^d - the latest you can at present inform you of
are under the 25th of Dec^r at Paris -

We have sent by express the promise
articles signed between our Camp^s & Mr Oswald the 30th of Nov^r.

The Substance for I have ^{not} to make a fair copy for the Executive -
are - Boundaries restricting Canada to the articles of peace
in 1763 - or nearly - Fishing allowed under moderate restrictions -
Refugees to depend on the Assemblies of the several States
- British debts to be discharged - Navigation of Mississippi
free - our Independence fully acknowledged -

By the letter of the 25th of Dec^r there
were some apprehensions, that matters between the other powers
would not be very soon concluded, but the hopes & expectations
on the contrary was most prevalent - France had made
some progress in their Negotiation, but Spain & Holland little.

The King of Sweden had given powers to his Minister
at Versailles to treat with Dr^r Franklin on a treaty of Amity &
Commerce - They are ^{very} ^{unhappy} ^{copies} to y^r Lady, & that you will believe
me Dr^r J. with great esteem & regard, Y^r most Obed^t Serv^t
Sam^l J. D^r Cayall

Phla. March 12th 1783

Dr. Sr,

It is some [time] since I receivd yr favor respecting Mr. Jefferson. I have been in daily expectation, of hearing something agreeable, at least conclusive, on the important object you are so properly anxious about. Capt. Barney arrivd here this morning from France — he left L'Orient the 17th of Jany with a British passport, & some money & brought dispatches for Congress they have not all been yet read. The latest I can at present inform you of are under the 25th of Decr at Paris.

We have sent by express the provis[iona]l Articles signed between our Com[is]s[i]one[rs] & Mr. Oswald the 30th of Novr.

The Substance (for I have not to make a fair copy for the Executive) are — Boundaries restricting Canada to the articles of peace in 1763 — or nearly — Fishing allowed under moderate restrictions — Refugees to depend on the Assemblies of the several states — British debts to be dischargd — Navigation of Mississippi free — our Independence fully acknowledgd.

By the letter of the 25th of Decr there were some apprehensions, that matters between the other powers woud not be very soon concluded, but the hopes & expectations on the contrary was most prevalent. France had made some progress in their Negotiation, but Spain & Holland little.

The King of Sweden had given powers to his Minister at Versailles to meet with Docr. Franklin on a treaty of Amity & Commerce. I beg my respectful comp[li]ment[s]. to yr. Lady, & that you will believe me, Dr Sr, with great esteem & regard, yr most ob. Serv

Danl Carroll

Turn over

[on reverse]

Mesrs Wm Smith & ca. can inform you more particularly

Book Reviews

The Art of Acquiring: A Portrait of Etta and Claribel Cone. By Mary Gabriel. (Baltimore: Bancroft Press, 2002. 264 pages. Notes, bibliography, index. Cloth, \$35.00.)

When, upon the death of collector Etta Cone in 1949, appraisers entered the Marlborough apartments of Etta and her sister Claribel to assess the value of the sisters' formidable collection of art, they found the dark hallways cluttered with artwork. The drawers were stuffed with sets of jewelry and delicate linen purses. Fresh flowers adorned Claribel's rooms, and her trunks stood packed for yet another voyage to Europe. But Claribel had been dead for twenty years.

Claribel's death removed Etta's closest friend and travel companion, and an anchor for her life. From that time, the surviving sister focused her energy on the patronage and acquisition of art, mostly paintings. She took up the mission with fervor, traveling on her own to the many French studios and galleries where she made her purchases. Over the course of several decades, the Cones together had gathered thousands of paintings, sculptures, and textiles, amassing one of the most significant collections of modern French painting in the world. Locally, however, recognition was slow in coming. And when acclaim began to appear, it was from distant museums and collectors. But in the years after Claribel's death, the Baltimore Museum of Art persuaded Etta that the collection would be protected and appreciated, and in May 1949 Etta bequeathed her 3,000-piece collection to the museum with additional funds for the construction of a new wing to house the pieces.

Before her death, Etta had selected a committee to go through her collection. Items were distributed to the Baltimore Museum of Art, to the University of North Carolina, to family, or through auction sales. Of a total of three thousand items ultimately selected by the Baltimore Museum of Art, one-sixth, or about five hundred, were by Matisse.

In August 1949, at the time of Etta's death, the Cone collection was assessed as being worth \$3 million. Etta placed strict conditions on her bequest, stating that nothing could be sold, added, or traded, and that the collection was not to be modified in any way. The Baltimore Museum of Art first exhibited the collection in October 1949, and the museum's Cone Wing was opened in February 1957. Renovated in 2001, the new wing is still not large enough to display more than about 120 items of the collection at any one time.

Journalist Mary Gabriel's rendering of the lives of Etta and Claribel Cone is an engaging and well-written biographical account. It is also a travelogue, detail-

ing their repeated, nearly annual trips to France and Italy, generally in the summer, to meet with artists and purchase paintings.

Gabriel received her undergraduate degree from the Maryland Institute College of Art and a graduate degree in journalism from American University. She is now a reporter and editor for Reuters News Service. Evidence of her reportage is seen in her avoidance of the trap of less skillful biographers, of embellishing or aggrandizing her subjects. Gabriel makes careful use of her sources, relying heavily on correspondence to reconstruct the sisters' lives, travels, and acquisitions. Her writing style is straightforward, and her portrayal of these early twentieth-century moderns is unmarred by the jargon of literary theory or revisionist social history that occasionally turns up in the writings of more academic authors.

Yet *The Art of Acquiring* is not a dry account, as Gabriel weaves in literary references from F. Scott Fitzgerald, Thomas Hardy, Henry James, Ernest Hemingway, and the periodically opaque Gertrude Stein. In the process, she explores the relationships between artist and patron (they need each other) and artist and artist (they compete with each other). Most of Gabriel's narrative draws from diaries and voluminous collections of letters. The author, however, also drew heavily on secondary sources, making ready use of newspaper articles. (Of the forty-eight items listed, twenty-seven of the articles were from the *Sun* or the *Evening Sun*.) For historical background, Gabriel drew on more scholarly sources, such as Robert Wiebe's *Search for Order* and Robert Brugger's *Maryland: A Middle Temperament*.

The clear narrative demonstrated by Gabriel is not evident in the source listings at the back, which are, regrettably, artfully arranged and lacking in detail. In the back matter, chapter notes and manuscript collections are unusually organized, set in italics and in narrow columns. For the diligent researcher wishing to follow up on the Cone correspondence, it would have been helpful if the author had included the names of the manuscript collections rather than merely the libraries that house them.

Leo Stein once said that art is what people do with their loneliness, and Claribel's death did indeed seem to spur Etta's passion for collecting. The result of that passion, building on her sister's earlier acquisitions, was the formation of a distinguished collection of French modern art. Etta and Claribel were not agents of historical change, but they were recorders and preservers. As Mary Gabriel shows in this readable account, the Cones' legacy was that in over forty-five years of acquiring paintings, textiles, and sculptures, they had preserved and showcased paintings that might otherwise have remained scattered and unseen. Gabriel's account brings to light a moment of transition in art, when classical realism would make way for the bold new styles of impressionism and modern art.

DONNA SHEAR
Lutherville, Maryland

The Most Learned Woman in America: A Life of Elizabeth Graeme Fergusson. By Anne M. Ousterhout. (University Park: The Pennsylvania State University Press, 2004. 411 pages. Notes, index, cloth, \$35.00.)

Anne Ousterhout's compelling analysis of Elizabeth Graeme Fergusson illustrates a woman whose life's experiences personify the flux of the revolutionary era in which she lived. Examining Fergusson's commonplace books, her letters, and her poetry, Ousterhout unveils a creative and complicated woman who spoke several languages, read Latin and Greek, published her poetry, and organized one of Philadelphia's first intellectual salons. In these Saturday meetings, Fergusson conversed and argued as an equal with Philadelphia's finest minds. An intellectual anomaly among women, Fergusson embraced Philadelphia's intellectual culture as her own and emerged as one the city's most erudite and prodigious daughters.

As Ousterhout brilliantly demonstrates, Fergusson not only ensconced herself within the intellectual community of Philadelphia, but defied marital expectations for women as well. Her inability to commit to a suitor and her written criticism of marriage indicates for Ousterhout a hesitancy to marry. At thirty-eight she married rashly and in secrecy to a man eleven years her junior who would prove himself a traitor and an adulterous cad. She had no children and spent only two years out of a twenty-eight year marriage actually living with her husband. She intractably refused to follow him to England where he had fled to avoid prosecution for treason. That decision brought charges from friends and family that she was an unfaithful wife, and according to Ousterhout, exemplifies the antagonism that characterized Fergusson's life.

Ousterhout's distinct contribution with this study, however, is her portrayal of Fergusson as a woman whose experiences placed her as a citizen in the public sphere, waging battles uncustomary for revolutionary era women. She became ensnared in an espionage plot when she agreed to carry suspect letters to General Washington from her traitorous husband. Complicit now in a treasonous act, Fergusson stood to lose her family estate under a Pennsylvania law authorizing the confiscation of the property of traitors. It is in Ousterhout's discussion of her struggle to retain her home and her reputation where we see "citizen" Fergusson embroiled in the bureaucratic politics of revolutionary Philadelphia. She wrote vitriolic letters to the press when her property was inventoried and her personal belongings sold at auction. She petitioned the Assembly repeatedly to keep her family home and while doing so, became entangled in yet another episode of intrigue, this time involving Joseph Reed, a prominent member of the Pennsylvania Assembly. For two years, Fergusson petitioned for the return of her property—with Reed, a man who had called her a "tool of the British commissioners," on the council that would make the decision (222).

Ousterhout demonstrates clearly that Fergusson's experiences were indicative

of the turmoil in revolutionary Philadelphia. Like so many of her male contemporaries, she endured interrogation from authorities and friends alike who questioned her loyalty. She experienced firsthand the complexities of property confiscation law. She understood better than most men what it was like to be publicly castigated in the press. Rarely do we have an opportunity to explore the life of a revolutionary woman whose intellect and experience not only place her unquestionably in the public sphere, but establish her as an active citizen undeterred by the social norms that regularly precluded women from acting on their own behalf. On the contrary, Fergusson's womanhood incurred no chivalrous actions from the men whose decisions could possibly have cast her into the street. Instead she endured derisive comments from friends who admonished her for bringing about her own troubles.

Ousterhout's posthumously published biography is a distinguished addition to revolutionary, intellectual, and women's history. She presents a balanced analysis of Fergusson's personal and public life. Some readers may wish for a more in depth discussion of Fergusson's weekly salon conversations, but that omission does not mar an otherwise brilliant book. Anne Ousterhout's work contributes significantly to the burgeoning field of revolutionary history that removes women from the periphery and centers them firmly within the public activities of the day. Her homage to Elizabeth Graeme Fergusson that she was the "most learned woman in America" speaks not only to her intellectual acumen but also to Fergusson's "learned" participation in colonial politics. Ousterhout's definitive study captures within this fascinating woman the tumult of revolutionary Philadelphia.

ELIZABETH DUCHARME
University of Delaware

1816: America Rising. By C. Edward Skeen. (Lexington: The University Press of Kentucky, 2003, 320 pages. Notes, bibliographic essay, index. Cloth, \$35.00.)

The last decade or so has produced a small boom in books by senior American historians narrating the events of a single antebellum year. We have seen studies of 1826 by Andrew Burstein, 1831 by Louis P. Masur, and 1857 by Kenneth M. Stampp. All of these volumes dealt with portentous years: the nation's jubilee anniversary; the year of Nat Turner, nullification, and Native American removal; and the year in which sectional conflict arguably became inevitable. By contrast, C. Edward Skeen's new book is about a year in which, at first glance, nothing much happened.

Although this may sound like a premise for Samuel Beckett or Jerry Seinfeld, *1816: America Rising*, makes a serious point. According to Skeen, a professor at

Memphis State University and author of *Citizen Soldiers in the War of 1812*, this seemingly uneventful year found the United States on the cusp "between adolescence and maturity," growing into a more deeply nationalistic, democratic, and economically modern adulthood.

Roughly half of the book's chapters focus on issues debated by the energetic Fourteenth Congress, members of which included two future presidents, two future vice-presidents, and five future secretaries of state. Skeen's discussion of their debate over the Compensation Act of 1816 is particularly insightful. This legislation, the first attempt to raise congressional pay since the implementation of the Constitution in 1789, unexpectedly provoked a "hysterical" public reaction that, Skeen convincingly argues, did much to provoke declining deference toward political leaders as America moved toward modern democracy.

Discussions of the Tariff of 1816, efforts to revise the early national tax code, sectional friction over internal improvements, and the debate over post-War of 1812 military reform also offer interesting insights into generally overlooked topics. However, some readers may yearn for more authorial analysis and less recounting of the details of the Congressional debates.

Other chapters move away from party politics and toward social and cultural issues such as the unusually cold summer of 1816, conflicts within the various states, notorious criminal cases, and various efforts at reform described by Skeen as the "humanitarian impulse." The book concludes with a discussion of the presidential election of 1816, a contest that Skeen acknowledges was "essentially a non-event" except insofar as it produced a "brief moment" of consensus and good feeling.

Despite the usefulness of individual chapters, in the end Skeen's case for the importance of 1816 seems unconvincing. Part of the problem is the emphasis on consensus and non-partisanship, a view that appears to be seriously undermined by Skeen's own treatment of the often very contentious and partisan debates of the Fourteenth Congress. More importantly, Skeen's determination to limit his narrative to events occurring within his chosen year (or very close to it) diminishes the importance of 1816. A very strong case could be made that the end of the War of 1812 did in fact mark the cusp between deference and democracy, between the Revolutionary generation and its successor, between a pre-modern and an industrial economy, and between post-colonialism and full-blown nationalism. Unfortunately, by focusing only on the "cusp" year, Skeen is never fully able to convey the broader impact of these long-term developments.

LAWRENCE A. PESKIN
Morgan State University

The Reconstruction of American Liberalism, 1865–1914. By Nancy Cohen. (Chapel Hill: University of North Carolina Press, 2002. 332 pages. Notes, bibliography, index. \$59.95 cloth; \$22.50 paper.)

Nancy Cohen constructs her study of pro-capitalist economics between the Civil War and World War I around the tension between liberalism and democracy raised by the emergence of large-scale industry and corporate enterprise. Liberalism, of course, stresses individual rights, which implies protection of private property from state interference, even in the name of the majority or the public good. Democracy, by contrast, presumes society's authority to use government and law to check and channel enterprise in the name of a public good defined through representative political processes. Rapid, post-war development exposed the hollowness of the antebellum, "free labor" notion of natural harmony between labor and capital and between property rights and democracy. Radical Republicans with a "producerist" bent, such as Wendell Phillips or Ben Butler, were able to embrace northern labor's drive for state regulation of wages and working conditions and the quest of southern freedmen for property redistribution. Genteel liberals such as editors E. L. Godkin, Horace White, and George William Curtis, however, became fixated on property as a bulwark of social order. Such personalities recoiled from the tumult of Reconstruction-era labor and race politics, disavowed radical Republicanism, and moved towards the antilabor and antidemocratic stances with which Gilded Age liberalism became identified.

Observers since James Bryce have noticed how out-of-step with the country's democratic impulses genteel liberalism had grown by the 1884 Mugwump revolt. Cohen's innovation is to insist that however inglorious the Gilded Age liberals proved in their ventures into electoral politics, they exerted enduring influence over economic thought and policy. Cohen explains that the rigid laissez-faire stances of Godkin and Yale professor William Graham Sumner divert attention from the flexibility shown by David Ames Wells, Charles Francis Adams, and Francis Amasa Walker. In their economic writings and stints in public office, these figures sought to adapt liberal principles to the realities of the corporate system in railroads, finance, and industry. By the 1880s, Wells, C. F. Adams, and Walker had together put forth a liberal case for regulation of corporate enterprise. In keeping with genteel liberal suspicion of democracy, officials whose technical expertise and civil service status put them above popular passions and pressures would ensure that such regulation posed no threat to responsible business.

After reinterpreting Gilded Age liberalism's relation to laissez-faire, Cohen revisits another familiar story: the failed revolt against liberalism by younger figures such as Henry Carter Adams, John Bates Clark, and Richard T. Ely. In the 1880s and 1890s, these "ethical economists" attempted to infuse their discipline with historicist methods and social democratic ideas they had encountered in

German universities. Cohen demonstrates how Godkin and other orthodox liberals orchestrated pressure on Cornell, Michigan, or Johns Hopkins to force Adams, Ely, and their contemporaries to recant even rhetorical support for an assertive labor movement and for socialism as a loose set of principles. Thus tamed, the younger, academic economists became collaborators in a "project of legitimization" (222) that rationalized abandonment of any tangible democratic control of the economy and that embraced a pallid, consumerist notion of citizenship to replace the old producer republicanism that suffered its final defeat in 1896.

While complex and challenging, this book will be mainly persuasive to scholars whose political or intellectual convictions already incline them to deplore the Progressive effort to "regulate the capitalist economy . . . without abolishing private property or revolutionizing liberal-democratic political institution" (5) as a diversion from an assault on corporate capitalism in the name of some form of populism or socialism. Cohen's commendable effort to find continuities between the older genteel liberals and the academic economists who shaped regulatory policy after 1890 builds upon the current tendency to weave together Gilded Age and Progressive Era intellectual history. Yet as they rejected even rhetorical socialism, the academic economists continued to perceive a gulf between themselves and the predecessor generation of classical liberals. Cohen cannot write off that perceived disjuncture because it falls outside the terms she has framed. In effect, Cohen dismisses the fascinating recent tendency to consider the eclipse of the producer republican tradition not as the end of democratic possibility, but as liberating moment that allowed Progressive-era thinkers and activists to explore novel forms of democratic citizenship within an urban and, yes, capitalist society. In the end, much of Cohen's book comes across as chastisement of the economists for surrendering their youthful radicalism rather than open investigation of how they came to perceive this radicalism as unviable and what they saw as preferable about the reformist capitalism they ultimately espoused.

ALAN LESSOFF

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After The Strike: A Century of Labor Struggle at Pullman. By Susan Eleanor Hirsch. (The Working Class in American History. Urbana and Chicago: University of Illinois Press, 2003. 294 pages. Appendix, notes, index. Cloth, \$44.95.)

Turning an eager historian loose in a warehouse full of pay stubs and payroll records often produces a dry, dreary, and narrow history, especially when the corporation is so vast and enduring as the Pullman Corporation. For Susan Eleanor Hirsch, however, the Pullman records—consisting of "the correspondence, memos, and policy statements and the employee service records of hundreds of thousands of individuals"(5)—provided material for a marvelous book,

which places workplace issues, or "labor" history, into the broadest framework of "U.S." history.

This book is great because it attempts to answer the most compelling historical questions. "Understanding Pullman workers' struggles also entails asking what spurred them to action, how they viewed the economic and social order, and what forms of organization they chose. . . . What was the source of Pullman workers' activism and what types of union structures and ideology attracted different groups of Pullman workers at different times?"(4)

The Pullman Corporation was the battleground for two of the most famous (or infamous, depending upon which side you support) episodes in labor history, propelling to stardom two extraordinary labor leaders. The 1894 national railroad strike by the American Railroad Union (ARU) brought both fame and jail terms (for such is labor history) to Eugene V. Debs, while the long campaign by sleeping car porters to create the first enduring black union, the Brotherhood of Sleeping Car Porters, allowed union president A. Phillip Randolph to rise to a crucial role in the merged and quarreling workers rights/civil rights movement.

The Pullman Corporation presents Hirsch with a unique case history for the development both of industry in the United States after the Civil War and of "a century of labor struggle"(207). Founding the Pullman Palace Car Company in 1867, George Pullman created a monopoly in the new sleeping car service by building the cars and leasing them, fully-staffed, to competing railroads, while maintaining a chain of car repair shops across the country. The production of the cars, in the Pullman manufacturing division, evolved from detailed wooden construction to mass-produced steel cars, carrying the workers in the car shops from craft unionism to company unionism to industrial unionism. Pullman was a nationwide corporation of industrial and service workers, exploiting divisions among these workers—race, craft superiority, gender, ethnic origins, language, and company sympathies—to aggressively fight unionization while also taking advantage of anti-union geographic locales like Wilmington, Delaware.

Pullman experimented with several devices to maintain an enduring non-union corporation. The "environmental experiment" in the town of Pullman became well known after the ARU strike of 1894, but Hirsch stresses the success as well of Pullman's "bureaucratic labor structure . . . to create a sense of fairness as well as possibilities for upward mobility and fringe benefits"(42). Part of this "bureaucratic structure" involved keeping detailed records for Pullman workers in all of the company's divisions, which spanned the continent from California to Delaware, even though Pullman's major operations were located in the Chicago area.

Hirsch traces work histories—considered "careers" by some of Pullman's most loyal workers—by skill, race, gender, ethnic background and seniority in a traditional historical procedure with statistical charts and recorded personal inter-

views. To the delight of a labor historian, however, the archives also include internal company documents, such as "spy reports" on unionization that illuminate the corporation's most intimate motives and decisions.

Although the documentation of Pullman policies is exhaustive, the power of this book is that it places the particular Pullman struggles and corporation policies into a general framework of labor history for a period of more than one hundred years: from the craft unionism of the 1880s, through the industrial unionism of the mid-twentieth century, to the fights against plant closings in the 1980s, when the Pullman Corporation finally succumbed to the destructive pressures of the global economy. Hirsch especially stresses the importance of federal intervention into labor relations, from the anti-union injunctions during the 1894 strike to the National Labor Relations Act, which finally enabled the Steel Workers Organizing Committee (SWOC) to take representation in the car shops.

Most importantly, she places these particular issues into a compelling structure, "the question for U.S. workers remains how to build a labor movement for economic and social justice" (212).

This book covers exciting areas of history and exemplifies the skills of historical writing. Hirsch covers broad topics so thoroughly, weaves them together with such skill, and supports her conclusions with such exhaustive research in primary and secondary sources, that the book stands as a remarkable achievement.

BILL BARRY

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Awaiting Armageddon: How Americans Faced the Cuban Missile Crisis. By Alice L. George. (Chapel Hill: University of North Carolina Press, 2003. 264 pages. Illustrations, introduction, notes, bibliography, index. Cloth, \$29.95).

On Monday, October 22, 1962, President John F. Kennedy went on national television to announce that the Soviet Union was attempting to install nuclear warheads in Cuba. Kennedy promised to prevent their installation and then instituted a naval blockade of the island. For the next seven days, the United States and the Soviet Union publicly traded threats while privately engaging in desperate negotiations in an effort to stave off a nuclear conflict.

Over the past forty years numerous authors have chronicled this crisis. Most, if not all of these studies have focused on the participants at the highest levels. Alice L. George, however, is concerned with how the American public reacted to the events of October 1962. Such a work is necessary, George contends, because, "To date, literature on the crisis has made no investigation of its civilian impact" (20). *Awaiting Armageddon* is an attempt to fill this void in the scholarship of the Cuban Missile Crisis.

The high-stakes confrontation between the United States and the Soviet Union

forced the American public to face the possibility of a nuclear war. In response, an estimated ten million Americans fled their homes. About a dozen wives in the Baltimore and Washington area left their husbands to seek a safe haven in Cumberland, Maryland. People flocked to grocery stores to hoard goods and some parents kept their children home from schools.

The Kennedy administration tried to prevent widespread panic by reassuring the public that civil defense measures would help save lives. However, George argues that the federal government had never made civil defense a national priority, and as a result America was woefully unprepared should a nuclear war break out. While the United States government spent billions of dollars building a huge nuclear arsenal, and had an overwhelming superiority in terms of nuclear warheads, much less was allocated for civil defense. In 1963 the federal government spent \$75 million, while reports estimated that the Soviet Union spent between \$500 million to \$1.5 billion on civil defense. Even countries such as Sweden and Switzerland invested more resources than the United States.

The question that arises is whether any measures designed to save lives could be effective. It is a question that George wrestles with, but never satisfactorily answers. Her critique of America's policies is simply inconsistent. George criticizes the federal government for its inadequate civil defense measures, but at the same time she blasts attempts to save lives as folly. This contradictory argument is neatly summed up in one sentence: "The United States simply had refused to accept that war might erase, or, at the very least, devastate the future. As a result, civil defense was kept on the back burner, partially because the nation's leaders failed to tell the public the truth—that the United States had little means of protecting its citizens from total war" (61). If the government really could not save citizens' lives, then what was the point of civil defense measures?

Contradictions abound in this work. For example, on page 61, George argues that Americans possessed an understanding about the dangers of nuclear war, because "Hiroshima and Nagasaki were not-too distant memories." But twenty-five pages later George contends that "No one—not even the most exalted and educated 'experts'—really knew what to expect in a nuclear war using such powerful weapons. Hiroshima and Nagasaki were little more than reference points, given the power of nuclear weapons in 1962" (86). Well, which is it? Did the dropping of atomic bombs provide an understanding for what a nuclear war would be like or not? George also has a habit of making sweeping generalizations without offering any supporting evidence. I could offer at least a dozen such examples, but one or two will suffice. For example, she states, "Wary Americans contemplated the ghosts of Hiroshima as they faced the two superpowers' flirtation with mutual destruction. And they knew they were not ready" (41). Later George claims that, "Many Americans had been in denial about civil defense throughout the Cold War" (82). How does George know that the public was in denial? Where are the

poll numbers? Throughout the book, George makes categorical statements that beg for substantiating data, but she often fails to provide any evidence to back up her statements.

Awaiting Armageddon is a deeply flawed work. Although George rightly shifts the focus away from the actions of John Kennedy and Soviet leader Nikita Khrushchev, and provides a good overview of how the public responded to the missile crisis, contradictory claims, along with some dubious conclusions, mar this work.

JUSTIN P. COFFEY
DePaul University

Books in Brief

Union Civil War Veterans' Organizations in Maryland is Daniel Carroll Toomey's latest contribution to the state's Civil War history. With the war's end, veterans formed organizations that kept them linked to their comrades for decades. Hundreds of groups organized nationwide, including the Grand Army of the Republic, whose membership rolls counted, at the peak of its popularity, over four hundred thousand men. This is the story of the Boys in Blue, the Old Soldiers who donned their beribboned uniforms for yearly encampments. Dozens of photographs and appendices list GAR commanders, posts, and national encampments.

Toomey Press, \$11.95, paper

The River and the Ridge: 300 Years of Local History, Peach Bottom Township and Delta, Pennsylvania, Cardiff and Whiteford, Maryland is an in-depth community history of the families, towns, and businesses in the slate producing region that spans the Susquehanna River. The book is heavily illustrated with maps, photographs, geological charts, timeline, a "wall of honor," and business directory advertisements. The authors, Roger B. Wilson, Donald C. Robinson, James L. Morris, and David B. Glenn, self-styled amateur historians, all live in the area.

The Old Line Museum, Delta, Pennsylvania, \$35, cloth

James C. Olson, *Stuart Symington: A Life*, is a full-length biography of the man known as "Harry Truman's Trouble Shooter." This four-term senator from Missouri served also as first secretary of the air force. In addition, Symington received unanimous Senate confirmation for six presidential appointments, an unprecedented number. Although the thirty years of his public life were as a Missouri man, Symington had deep roots in Maryland and Virginia.

University of Missouri Press, \$39.95 cloth

In late fall, 1755, a Delaware war party burst in the door of a Moravian mission in eastern Pennsylvania, shot ten missionaries and set the building afire. "Tis all well, dear Savior," cried Sister Anna Catherine Sensemann, engulfed in flames, "I expected this." The Seven Years', or French and Indian, War is attracting increasing public interest and attention. Weekenders and day trippers will find Robert B. Swift's *The Mid-Appalachian Frontier: A Guide to Historic Sites of the French and Indian War* informative, useful, and at times, captivating. Brief histories of places and incidents, each accompanied by a black-and-white photograph and directions, and a capable bibliography make this 128-page paperback attractive.

Thomas Publications, Gettysburg, Pennsylvania, \$17.95 paper

Notices

Maryland Historical Society Signature Lecture Series

In commemoration of the fiftieth anniversary of the landmark *Brown v. Board of Education* decision, Mr. Juan Williams will discuss his book, *Thurgood Marshall: American Revolutionary* on Friday, April 30, 2004 at 7:30 P.M. Mr. Williams will share the story of his personal interviews with Marshall, the attorney and civil rights leader who carried the case to the Supreme Court after Charles Hamilton Houston's death in 1950 and then went on to become the nation's first African American Supreme Court justice. The lecture, followed by a book signing, will be held in the France-Merrick Hall Tickets, \$10 for MdHS members and students and \$15 for non-members, should be purchased in advance at 410-685-3750 ext.321. *Thurgood Marshall: American Revolutionary* will be available in the MdHS Bookstore before and after the lecture.

Baltimore Civil War Museum

Donald E. Markle will present "The Telegraph Goes to War," a talk based on the diary of David Homer Bates who worked in the War Department under President Abraham Lincoln. Walt Mathers will exhibit a U.S. military telegraph corps station, one example of the technology that shaped modern warfare. The event is on Saturday, May 8, 2004 at the President Street Station. For additional information visit www.mdhs.org.

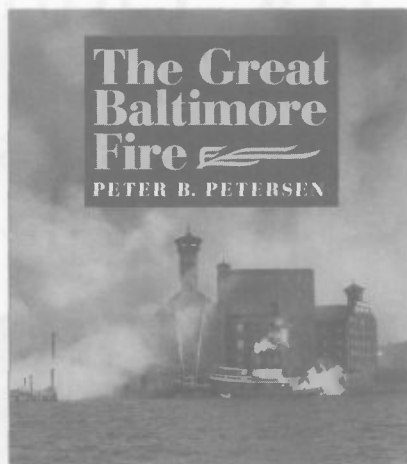
Omohundro Institute Fellowship

The Omohundro Institute of Early American History and Culture, with the support of the National Endowment for the Humanities, offers a two year post-doctoral fellowship in any area of American studies, to begin July 1, 2005. A principal criterion for selection is that the candidate's dissertation or other manuscript must have significant potential as a distinguished book-length contribution to scholarship. A substantial portion of the work must be submitted with the application. The institute's scope encompasses the history and cultures of North America's indigenous peoples during the colonial, Revolutionary, and early national periods of the United States and the related histories of Canada, the Caribbean, Latin America, the British Isles, Europe, and Africa, from the sixteenth century to approximately 1815. Applications must be postmarked by November 1, 2004. For further information contact Institute-NEH Fellowship, OIEAHC, P.O. Box 8781, Williamsburg, VA. 23187-8781.

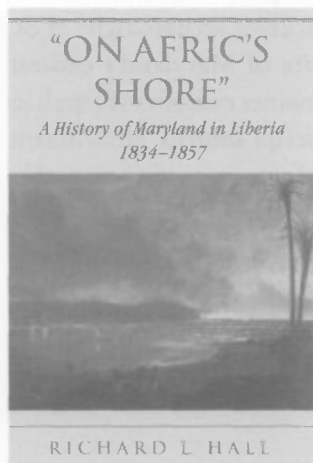
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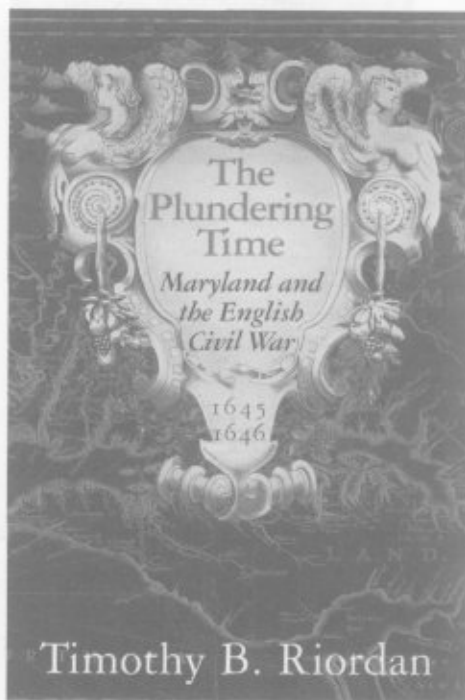
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